

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES,

OF THE

## STATE OF ALABAMA:

BEGUN AND HELD AT THE TOWN OF TUSKALOOSA,  
ON THE THIRD MONDAY IN NOVEMBER,  
1827;

BEING THE NINTH ANNUAL SESSION OF THE  
GENERAL ASSEMBLY OF  
SAID STATE.

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TUSKALOOSA:  
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# JOURNAL, &c.

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MONDAY, November 19. 1827.

On Monday, the nineteenth day of November, in the year of our Lord one thousand eight hundred and twenty seven, the following Members of the House of Representatives appeared, were duly qualified, and took their seats—to wit:

*From the county of Mobile*—Jack F. Ross, and Wm. D. Store.

*From the County of Monroe*—D. R. W. M'Rae, and Thomas Wiggins.

*From the county of Madison*—John Vining, William H. Moore, William Acklen, Jun. Nathan Smith, and William Kelly.

*From the county of Montgomery*—Dixon H. Lewis, Elias Bonnell, and William V. Higgins.

*From the county of Marengo*—William Anderson.

*From the county of Conecuh*—Samuel W. Oliver, and Eldridge S. Greening.

*From the counties of Henry, Pike, Covington, and Dale*—Charles A. Dennis and James Ward.

*From the county of Wilcox*—John W. Bridges.

*From the county of Dallas*—James C. Sharp, John A. Tarver, and Erasmus Walker.

*From the county of Perry*—George Weisinger, and Richard B. Walthall.

*From the county of Greene*—M. F. Rainey, Edward B. Colgin, and D. B. Richardson.

*From the county of Tuscaloosa*—Henry W. Collier, William H. Jack, Harden Perkins, and Hervey N. Ellis.

*From the county of Bibb*—James B. Clark.

*From the county of Shelby*—Joab Lawler.

*From the county of St. Clair*—John Massey, and Henry Bradford.

*From the county of Jefferson*—John Brown, William K. Paulding, and John F. Forrest.

*From the county of Marion*—William H. Duke.

*From the county of Franklin*—John L. M'Rae, and Temple Sargent.

*From the county of Lauderdale*—Hugh M'Vay, Samuel Craig, and Francis Barrett.

*From the county of Limestone*—Joshua L. Martin, William Edmondson, W. P. Robertson, and Joseph Bell.

*From the county of Lawrence*—Zadock M'Vay, Thomas Coopwood, and Ellyson A. Daniel.

*From the county of Morgan*—John T. Rather, and Melkijah Vaughan.

*From the county of Autauga*—Robert Broadnax, and Eli Terry.

*From the county of Washington*—Pioleny Harris.

*From the county of Bullock*—Nathan Cook.

*From the county of Jackson*—Samuel B. Moore, James Russell, William A. Davis, Daniel Price.

*From the county of Pickens*—Boley Connor.

Mr. M'Vay of Lauderdale, in the chair.

The House then proceeded to the election of a Speaker—Samuel W. Oliver, one of the members from the county of Conecuh, and John Vining, one of the members from the county of Madison, being in nomination.

Mr. Oliver having received a majority of all the votes given, was declared duly elected, conducted to the chair, and made his acknowledgments to the House for the honor conferred, was qualified, and entered upon the discharge of his duties.

The House then proceeded to the election of a Principal Clerk, whereupon Thomas B. Tunstall was duly elected, was qualified, and entered upon the discharge of his duties.

The House then proceeded to the election of a Doorkeeper, whereupon James Brown was duly elected, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk, whereupon Aaron Ready was duly elected, was qualified, and entered on the discharge of the duties of his office.

A Message from the Senate by Mr. Lyon.

Mr. Speaker:—I am directed to inform your honorable body, that the Senate have assembled, and elected the honorable Nicholas Davis of Limestone, their President; Francis S. Lyon, Secretary; George W. Crabb, assistant Secretary, and James A. Bates, Doorkeeper; and are ready to proceed to business.—And then he withdrew.

The House then proceeded to the election of an Engrossing Clerk, whereupon William B. McClellan was duly elected, was qualified, and entered on the discharge of the duties of his office.

Ordered, that Mr. Broadnax have leave of absence from this House until Monday next.

On motion of Mr. M'Vay of Lauderdale, Resolved, that the Clerk of this House be instructed to wait on the Senate, and inform them that the Representative branch of Legislature is organized, and that they have elected the honorable Samuel W. Oliver, Speaker; Thomas B. Tunstall, Principal Clerk; James Brown, Doorkeeper; Aaron Ready, Assistant Clerk; William B. McClellan, Engrossing Clerk; and are now ready to proceed to business.

On motion of Mr. M'Vay, of Lauderdale, Resolved, That the rules and regulations of the House of Representatives of the last session of the legislature, be adopted as the rules and regulations of the present session, until otherwise altered or amended. And then, the House adjourned until tomorrow morning, 10 o'clock.

TUESDAY, November 20th, 1827.

The House met pursuant to adjournment.

Mr. M'Vay of Laud. presented a Memorial of Cyrus Chapter No. 6 of Royal Arch Masons, and Florence Lodge, No. 14 of Ancient Free Masons in the town of Florence, praying the passage of a law to raise by lottery, a certain sum of money therein mentioned, which was read and referred to a select committee, consisting of Messrs. M'Vay of Laud. Greening and Craig.

On motion of Mr. Moore of Jackson, Resolved, That Alexander M. Robinson be admitted a seat within the Representative Hall for the purpose of taking notes of the proceedings of the House of Representatives, for publication.

Mr. Ross presented a memorial of sundry citizens of the city of Mobile, praying the passage of a law to authorise the Board of Mayor and Aldermen to pass an Ordinance prohibiting, after a given time, the construction of any building of wood, or of other materials than of brick or stone, east of St. Joseph and St. Emanuel streets, north of the city hall.

ary street, and south of Canal street: fixing, or authorising the Board of Aldermen to fix a suitable penalty for the violation of such law or ordinance: which was read and referred to a select committee, consisting of Messrs. Ross, Stone, Wiggins, and Lewis.

On motion of Mr. Coopwood, *Resolved*, That a committee of two members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may please to make. Whereupon Messrs Coopwood and M'Vay of Laud. were appointed said committee.

On motion of Mr. Coopwood *Resolved*, That the following standing Committee be appointed, to wit:

*A committee on Privileges and Elections: on Propositions and Grievances: on Enrolled Bills: on Inland Navigation: on Roads, Bridges, & Ferries: on Ways and Means: on the Military: on the Judiciary: on County Boundaries: on Schools, Colleges, and Universities: and School and University Lands: on Accounts: on Bazaar and Alimony: on the State Bank.*

Mr. Bridges moved to amend the resolution by adding the words "and a committee on Apportionment," which was carried.

Mr. Walker offered the following resolution: *Resolved*, That Messrs Collier, Ellis, and Jack, be appointed a committee on the part of this House, to procure and contract for stationery, for the use of the present legislature—which was lost.

On motion of Mr. M'Vay of Laud. *Resolved*, That there be a committee of three members appointed to enquire into the expediency of revising, consolidating, and regulating Constables' and Justices' fees: whereupon Messrs M'Vay, of Laud. Perkins, and Martin, were appointed said committee.

On motion of Mr. Moore of Jack. *Resolved*, That a standing committee be appointed on the state Capitol.

Mr. Anderson presented the petition of the Grand Jury of Marenco county, praying the passage of a law altering the mode of trying slaves charged of capital offences: also praying that accounts contracted for spirituous liquors purchased in small quantities, upon the same footing with claims founded upon a gambling consideration; which was read and referred to the committee on the Judiciary.

A message from the Senate by Mr. Lyon, their Secretary.

*Mr. Speaker*:—I am instructed to inform your honorable body that the Senate have appointed Messrs Crabbe and Casey a committee on their part, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may think proper to make them.

*Ordered* that said message lie on the table.

Mr. Vaughan presented the petition of sundry citizens of Blount county, praying the passage of a law to incorporate the town of Blountsville in said county; which was read and referred to a select committee, consisting of Messrs Vaughan, Rather, and Lawler.

Mr. Anderson presented the petition of sundry inhabitants of Marenco county, praying the passage of a law changing an election precinct



from the residence of John Gilmore Esq. to James Hildreth's grocery; which was read and referred to a select committee; consisting of Messrs Anderson, Moore of Jack and Briggs; to consider and report thereon.

On motion of Mr. M'Vay of Law. *Resolved*. That a committee of three members be appointed to enquire into the expediency of amending the constitution so as to have biennial instead of annual sessions of the legislature.

On motion of Mr. Daniel *Resolved*. That eighty copies of the rules of this House be printed for the use of the members thereof.

Mr. Craig presented the petition of sundry inhabitants, Grand Jurors of Lauderdale county, praying the passage of a law altering the mode of punishing criminals convicted of the crime of Forgery; which was read and referred to the Judiciary committee.

Mr. M'Vay of Land from the select committee appointed on the part of this House, to act with the committee appointed on the part of the Senate: *Reported*. That they have discharged that duty, and received for answer, that his Excellency will communicate by message in thirty minutes.

Mr. Durrett presented the petition of sundry inhabitants of the sixteenth section of Township first, Range No 8 west of the meridian of Huntsville, in Lauderdale county, praying the passage of a law authorizing commissioners to lease said section; which was read and referred to a select committee, consisting of Messrs Durrett, Craig, and M'Vay of Land, to consider and report thereon.

A message was received from the Governor, by James I. Thornton, Secretary of State which he handed in at the Speaker's chair and then withdrew the said communication was in writing and is as follows:

EXECUTIVE DEPARTMENT.

Tuscaloosa, Nov. 20th, 1827.

FELLOW CITIZENS:—It is not idle ceremony, or an expression of mere formal usage, for me to state you on your arrival at the theatre of your public labors. I could such an assemblage be regarded without solemn and patriotic emotion. It would afford evidence that the blessings of the government which we enjoy were but imperfectly apprehended, and that there had been but little reflection, on the numerous and essential interests, which are entrusted to the management of the Representatives of a Free People. Filled as you are with all of the same high and responsible service, and invested with the duties of sensibility and duty, I tender to you my sincere and hearty congratulations. The diversified concerns of civil society, extending into numerous ramifications and dependencies, some meeting the cherishing hand of sound policy, and others, requiring to be brought forth, and sustained to vigorous maturity, call for the exercise of more than common powers, and need the efforts of the most sedulous diligence. With these labors in view, it is most reasonable as well as most natural, to look up with humility, to the Great Source of light and wisdom for the necessary aid. From thence may be obtained the knowledge to advise, and the Providence to conduct to an happy issue. And here let us cherish the feelings of a duty no less incumbent than praising, and join our devout aspirations of gratitude, to the Great Author of all Good, for past favors, for present circumstances, and for future prospects.

It may long continue doubtful to what degree of perfection the affairs of human society may possibly attain, and upon this subject we can have

no satisfactory data but those which result from experience. It is however, very clearly our duty, to provide by all possible means for the happiness of our own community, to receive and to communicate to others, a portion of light on the science of free government. Man is by nature destined for action and for enjoyment—he has powers to employ and passions to restrain. Progression enters into the constitution of his nature, and is essential to his happiness. The principles of a good and wise policy would therefore seem to be these; that his energies should be properly directed to wise and useful objects; that the injurious impulses of passion should be restrained by moral dissuasives, and more positive sanctions, and that continual prospects might be opened to him, of greater progress in virtue, respectability and happiness.—Although much of all this must be done by every individual for himself, yet the influence of government, upon the pursuits and moral energy of men is great and undeniable. Government is the great law, if I may so speak, to which all must bow with reverence and submission. It regulates the great outlines of our course, and frequently descends into the minutia of our character. The object of these remarks, necessarily brief and imperfect, is simply this, that whatever concerns man, in the entire range of his pursuits, and the whole circle of his enjoyments, whatever properly restrains him or beneficially excites him, is the legitimate subject of a liberal and enlightened legislation. Legislation should not be confined alone to the repressing of crimes, the adjustment of rights, the security of property from the violence and injustice of selfish feelings, and the regulation of things necessary for the establishment of government itself, but should take in also the whole scope of human interests, and should be a pillar of cloud and of fire to conduct to the maximum of individual and social happiness. In despotic governments less than this will necessarily be sought, because the attainment of the whole would subvert the principles upon which they are founded; but in free institutions, this universal concern, composes their highest honor and recommendation.

In the existing condition of our own government, we have to regret the occasional commission of insulated outrage, which the administration of the laws will punish and restrain; but are consoled by many unerring indications that our civil and moral condition is greatly improving. The laws are obeyed and respected; a very large majority of the population give their weight and influence to support them. In common with the other happy states to which we are united, we have no popular contradictions, nor the distraction of conflicting interests and designs, as the law which governs the whole has a sanction equal to that of the universal will.

But in the midst of these blessings, it is believed, that there is, from various causes, and that there is impending, an unusual pressure of pecuniary distress. Coming from the bosom of the people, and charged with their wants and their wishes, you will have more certain and extensive information on this subject, than this Department has had an opportunity to obtain. The present remarks, however, will proceed upon the supposition, that there is, and will be, pecuniary difficulty of a temporary duration; and it will be a source of much happiness, if the impression should prove to be erroneous. Human society, in all ages of the world, and in all countries, has been subjected to unexpected reverses and difficulties, which the ordinary exercise of prudence was not able to avert. In addition to the common mutability of human things, there is something in the nature, incidents, or use of money, as being the medium through which

all the necessary exchanges of society are affected, that independently of the real condition of any community, frequently occasions peculiar embarrassment. It is one of the most humane and endearing operations of Government, to afford remedy for these evils whenever they unfortunately arise. In our own community they threaten us, not from luxury and extravagance long and gradually induced, not from slothfulness in business, or remissness in devising the ordinary means by which competence, comfort, and wealth are secured. But they have originated in general, from the reverse of all these—from the excess of enterprise and industry, balked and borne down by unforeseen contingencies, and disappointed, if not misguided calculations. Those who were led by their ardent devotion to the interest of their families, to anticipate their future labors, in order to obtain more ample means for the present prosecution of that sacred object, find themselves subject to ruin, or to great loss, by events which no ordinary prudence could foresee, and which did not enter into calculations which were termed temperate and judicious.—The most arduous labor, aided by the most exact and rigid economy, has not proved sufficient to afford a remedy. A fond, a lingering hope of better times, has only rendered the crisis more difficult. The case would not seem to be much variant from the following simple statement; a laborious, enterprising, economical, and judicious community, have become embarrassed, by the sudden and continued fall in the price of the staple productions of the country. The times which immediately preceded, were prosperous in the extreme. They allowed the better passions to aim at means more speedily to acquire competence and comfort for our families. This illusive, but endearing phantom, was cherished in the imagination, and assumed to itself the high tribunal of sober reason, and accurate judgment. The anxious enquiry remains, what remedy can be applied to the present state of things? If, by any safe means, the present pressure might be mitigated, the extraordinary industry and resources of the country would speedily redress all past errors. If time could be given, much distress might be alleviated, and many valuable citizens saved, not, perhaps, from loss or sacrifice, but from absolute ruin. If any of the causes of distress be within the control of the Public Authorities, they should be diligently removed. Our circulating medium is deficient, and the annual drain from the purchase of Public Land, will cause it to continue so for some time to come. The money goes into the public coffers, and very slowly returns. It operates as if the balance of trade were against us, to its entire amount. The country does not become poorer by the purchase of Public Land, but the greater the quantity of land which is purchased, the more deficient the circulating medium becomes, and the more distressed the country therefore appears. We have not money left sufficient for our home, or internal trade. It is evident, that while we continue to be purchasers of land from the United States, the quantity of circulating medium ought to be greater than would be necessary under other circumstances; that is, if we purchase land one from another. When it is found that money is scarce, or, in other words, that there is not a sufficient quantity for the transactions of the country, on a fair and equitable scale, and that therefore it has acquired an adventitious value, the fears of some are alarmed; the cupidity of others excited—the consternation spreads—and in a short time, a small sum of it is sufficient to purchase property far exceeding its permanent value. The deficiency of our circulation is already felt, and may be more so, if a remedy is not provided. And here the difficult



question naturally arises, what remedy shall be resorted to? The increase of the capital of the State Bank, if found convenient and practicable, would seem to be the most obvious and effectual remedy, and that best suited to the present circumstances of the community. The increase of the circulating medium thus occasionally, would pass into the hands of the debtor part of the population, and enable them to keep up their property at something like a fair price, property pledged for the payment of their debts, or pay the creditor off without ultimate sale or sacrifice. It would prove, in many cases, beneficial to the creditors also. When the property of the debtor is sold at a very inadequate price, a few of the most pressing creditors are paid, and the means of paying the rest consumed, when there was enough to pay all at a fair price, and perhaps a residuum left for the debtor. Should the General Assembly find occasion seriously to contemplate this subject, their wisdom will suggest the safest and most adequate expedient. The people might thus be accommodated, requiring of them the most undoubted security. It is not supposed that a large and dangerous sum would be necessary, to afford a very extensive and essential relief.—The pressing debts of individuals are probably not so great, but they compose a sum unknown. The impression gets abroad that there is a large amount of money which must be raised in the country; the capitalist holds his hand, and increases the apprehension of the scarcity of money; the debtor becomes alarmed, and submits to ruinous sacrifices, or is forced to make them under the Sacrificer's hammer.—The ruin of the debtor involves nothing more immoral or corrupt than the usual operations of self interest. The man who would cheerfully become his security, to save him from ruin, or even great loss, would perhaps be content to buy his property at a very inadequate price, when offered at public Auction. It satisfies the possibility of ordinary friendship to be the last bidder, and to give more than others were inclined to do. Any accommodation which could be safely extended, would not, and perhaps ought not to prevent the sale of much property, and some sacrifice on the sale, but it would make the sale better, and the sacrifice less. It would operate as so much direct competition to save the debtor from ruin. The dispensation of Divine Providence, which has blessed the annual means of the State, but to which a cheerful and humble submission should be given, renders it the more necessary to interpose relief, if relief indeed can be afforded. The subject is submitted to your wise and patriotic consideration.

In May last the Tombeckie Bank failed to make payment of its notes in specie. This was attended by a speedy depreciation of its paper. By this unfortunate failure, the circulating currency of the State, at all times insufficient, was greatly reduced. The tax collectors received the earliest notification. Many persons who had prepared money in those Bills, in order to avail themselves of the benefit of the Act of Congress in regard to the public lands, were ultimately disappointed in their views, as the money would not be received at the land offices, after the failure to pay specie. This forms a just and necessary ground, upon which an application should be made to the Congress of the United States for a revival of the Act, or the passage of one with similar provisions. In pursuance of the Act of the General Assembly of this State passed in the year 1821, I directed the solicitor of the first judicial circuit to institute proceedings in the nature of a *Quo Warranto* against the Tombeckie Bank, and associated with him assistant council. The recent session of the court of Washington county has prevented a report from being yet received. I have the honor to for-

ward herewith a statement of the affairs of the Bank, which was forwarded to this Department by order of the President and Board of Directors. Any expedient which the wisdom of the General Assembly may devise to secure the rights of the currency of the Bank, will receive the most ready co-operation.

But I have to recommend that the trial of the criminal law be still more effectually secured. The present law is defective. The punishment is venial, and the trial is not by jury. It is not by jury to try criminals is obtaining the trial of the criminal law. It would also seem to be better for the jury in civil cases, as well as the sound intelligence of the jury is of the jury. The greatest caution should be used to secure the trial of the criminal law. Any error or defect here, will lead to a great error in one of its principal sources. I would also recommend that some proper mode may be devised for the trial of slaves with the least injury to the law. It is presumed, in perfect confidence with the law, which are secured to them under the law. It may be perhaps a saving of expense to the law, without any disadvantage to the law.

The trial of the criminal law is a subject which has been long and fully discussed. The trial of the criminal law is a subject which has been long and fully discussed. The trial of the criminal law is a subject which has been long and fully discussed.

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Connected with these is another subject which I deem of great importance. We have no adequate and permanent report of Cases adjudicated in the Supreme Court of the State. The decisions of the Supreme Court become the law of the land, and are most important to be known.

They include, as a necessary consequence, those doubtful cases upon which men may be expected to differ in opinion. They involve the more intricate arrangement of business, and the more doubtful principles of right and obligation. Hence they become, not only more necessary to be known than any other law, but as it is now, they can only be known to professional men, and very imperfectly, or with much difficulty, even to them.





and wealth of our citizens to multiply productions, and raise their own supplies as much as possible.

Great attention to rail road improvement marks the genius and progress of the present age. Canals and rail roads have become the objects of very general interest. It will be worthy of enquiry and observation whether this state does not afford peculiar facilities for the last mentioned kind of improvement. The valleys which traverse the elevated parts of the country, in the direction of the sea coast from the Tennessee River, and the valley of the Tennessee river itself, may be found to afford very great convenience and facility. Rail Roads are supposed not to yield the palm of utility even to artificial water communication. They are comparatively cheap, safe and expeditious. We shall have it in our power, aided by the light derived from the experience of others, to select in every case the kind of improvement which may seem most advisable. Means which the wisdom of the General Assembly will suggest, might be usefully employed to obtain information on these interesting subjects.

The Solicitor of the First Judicial Circuit, instituted proceedings against the St. Stephens Steam Boat Company, to determine the question of their Banking privileges. The case remains undecided in the Supreme Court of the State. At the next session, in all probability the question will be determined.

The boundary line between this State and the State of Georgia, remains unadjusted. Some more effectual measures for the settlement of the controversy, and the establishment of the line, would no doubt be desirable to both states; and the sooner it is done, the less difficulty will probably attend it.

I received a communication from the Ordnance Department of the United States, that one thousand four hundred and thirteen muskets, or arms of an equal estimated value, were due to this state, as the quota of the public arms for the years 1823, 1824, and 1825. I thought it very ready for delivery according to order. I thought proper to direct, that two six pound pieces of artillery should be furnished, one hundred and twenty artillery swords, one hundred and twenty rifles with accoutrements complete, five hundred cavalry sabres, and the residue in muskets, with accoutrements. The cannon were ordered to equip the companies of artillery, the rifles for flank companies of that description, the sabres for the equipment of cavalry. It was thought inexpedient to order pistols for the present, as the State was entitled but to a small quantity of arms, and that they were not absolutely necessary to the discipline of cavalry. They are besides, a species of private arms very common in the country, and therefore not so necessary as the sabres, when a sufficient quantity of both could not be procured. There is a company of artillery at Claiborne. The formation of them should be encouraged at the seat of Government, and at our principal towns. The General Assembly will direct the distribution which will be made of these arms.

The report of the Directors, and the annual examination of the affairs of the State Bank, will give to the General Assembly, and to the public, ample information in regard to that institution. In this communication, I deem it wholly unnecessary to anticipate, in any degree, the information which will be fully obtained from these sources.

The system of protecting duties, which occupied the attention of Congress at the last, and which will probably be urged upon their consideration at the present session, may well deserve your serious reflection. It

is the duty of every member of the confederation, to have their full weight of counsel and advisement in all great measures of national policy. There is too much reason to believe that the proposed Tariff will prove to be highly impolitic, unequal and oppressive. It is not the intention to enter into the argument which has been so ably managed by others, but to suggest the subject to your careful and impartial consideration.

The following persons have been appointed to fill vacancies which occurred during the recess of the General Assembly, viz:

Benjamin Wilkinson, Judge of the County Court of Clarke County, vice Edward Kennedy, resigned; Nimrod E. Benson, Judge of the county Court of Montgomery county, vice Benajah S. Bibb resigned; Thomas Owen, Judge of the county court of Tuscaloosa county, vice Hume R. Field, resigned; John M. Coll, Judge of the county court of Pike county, vice ——— Sikes resigned; J. J. M. White, Solicitor of the 5th Judicial Circuit, vice James G. Barney, resigned; James Davis, Solicitor of the 4th Judicial Circuit, vice David Hubbard resigned; John B. Hogan, Adjutant General, vice Isaac Welborne, resigned; The Judges of the county Courts of St. Clair, Fayette and Dale, have recently resigned, their commissions and no appointment has been made.

I have the honor herewith to transmit the Resolutions of several States, to be submitted to your consideration.

In the labors of the present session, the greatest possible unanimity, consistent with unbiassed thinking and free discussion, should distinguish as heretofore the Representatives of the people. In the public service, there cannot be ground upon which serious or permanent dissensions can rest, it being the end, and aim and duty of all, to promote the common interest, and strengthen the ties of the common connection which bind us together. A generous pride in the several parts which compose our civil association, will lead to acts of mutual conciliation and esteem. The bond cemented by affection will increase in strength and continue for ever. I invoke the blessing of Heaven on your public labors.

JOHN MURPHY.

*Ordered*, That said Message together with the accompanying documents lie on the table.

*Ordered*, That five hundred copies of the Message be printed for the use of this house, and then the House adjourned until tomorrow morning 10 o'clock.

WEDNESDAY, November 21, 1837.

The House met pursuant to adjournment.

Pursuant to a resolution of the House, Mr. Speaker proceeded to appoint the following Standing Committees, to wit:

*A Committee on Privileges and Elections*, consisting of Messrs. Terry, Harris, A. Singer, M'Vay, Elam, Brown, and Duke.

*A Committee on Propositions and Grievances*, consisting of Messrs. Martin, Moore, of Jack, Walthall, Russell, Ramey, Rather, Sargent, and Richardson.

*A Committee on Enrolled Bills*, consisting of Messrs. Ellis, Clark, Wiggins, Richardson, and Vaughan.

*A Committee on Inland Navigation*, consisting of Messrs. Perkins, Rather, Moore, of Mad. Vaughan, Sargent, Walthall, and Bell.

*A Committee on Roads, Bridges, and Ferries*, consisting of Messrs. Edmondson, Craig, Higgins, M'Vay, of Law, Price, Clegg, Anderson, and Ward.



A Committee on *Ways and Means*, consisting of Messrs. Kelly, Foss, Terry, Perkins, Harris, Collier, Paulding, and Clarke.

A Committee on the *Military*, consisting of Messrs. Stone, Brundage, Drake, Higgins, Wiggins, Smith, of Mad. Briscoe, and Mossey.

A Committee on the *Sanitary*, consisting of Messrs. Greening, Kelly, Lewis, Coon, Martin, Ellis, Allen, Collier, Walker, Jack, and Daniel.

A Committee on *County Administrators*, consisting of Messrs. May, of Lewis, Daniels, Campwood, of Adams, W. H. Fisher, of Boone, H. & Robertson, of

A Committee on *Schools, Colleges, and Universities*, and *State and University Libraries*, consisting of Messrs. Vining, Ellis, Stone, Acklen, Jeffers, D. C. M. R., of Stone, and Whorp.

A Committee on *Amusements*, consisting of Messrs. Rogers, Forrest, M. Ray, of Stone, Fisher, and Bridger.

A Committee on *Finance and Economy*, consisting of Messrs. Campwood, Leach, H. Fisher, Coon, B. H. Bradford, and M. Ray, of Stone.

A Committee on the *State Roads*, consisting of Messrs. Lewis, Ross, Cook, Vining, Collier, Walker, Vining, and Mossey, of Mad.

A Committee on *Appointments*, consisting of Messrs. Higgins, Kelly, Greening, Edmondson, Collier, Vining, Stone, and Jack.

A Committee on the *State Tax*, consisting of Messrs. Moore, of Jack, M. Ray, of Lewis, Terry, Fisher, Coon, and Fisher.

Mr. Phillips presented the petition of James Pollock, praying the passage of a law to prevent the loss of his negro as a result of his being taken into the hands of the sheriff, and referred to the committee on the *Sanitary*.

Mr. Vining presented the petition of James Pollock, praying the passage of a law to prevent the loss of his negro as a result of his being taken into the hands of the sheriff, and referred to the committee on the *Sanitary*.

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Mr. Stone presented the petition of the Port Wardens, of the city of Mobile, praying the passage of a law to prevent the loss of his negro as a result of his being taken into the hands of the sheriff, and referred to the committee on the *Sanitary*.

Mr. Collier presented the petition of James Pollock, praying the passage of a law to prevent the loss of his negro as a result of his being taken into the hands of the sheriff, and referred to the committee on the *Sanitary*.

Mr. Vining presented the petition of James Pollock, praying the passage of a law to prevent the loss of his negro as a result of his being taken into the hands of the sheriff, and referred to the committee on the *Sanitary*.

and Colleges, and School and College lands, be instructed to inquire into the expediency of authorizing the sale of the sixteenth sections in this state, and that the said committee be required to report by bill, or otherwise, to the next Legislature, ascertaining the sense of the inhabitants of the different townships, as to the sale of said sections; and to provide for the sale of the same, if it should be so determined by the inhabitants; and for the lands remaining to the said school.

Resolved, That a committee be appointed to select a sub-committee as may be appointed on behalf of the Senate, to examine and report whether John Davis was safely kept and returned to the custody of the Senate and to use of its representatives, the state property that was taken from him by a resolution of the last General Assembly; and if recommended that the said property was safely kept and returned, to certify thereof to the Comptroller, whose certificate shall suffice in the absence of direct evidence necessary in favor of said Davis. For the purpose of doing by a resolution passed at the last session of the Legislature.

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...the Board of Directors of the Sender be invited to present to the Board of Directors of the Receiver, at the Board of Directors meeting, the proposed publishing and publishing of several volumes of electronic information, and that the cost of the Board be assigned for their expenses.

The Motion Picture Industry Association has been successful in its campaign of maintaining unconditional immunity from federal income tax by lobbying Congress.

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Mr. May of England proposed the following as one of the standing rules of the association: "The members of this association shall be bound by the decisions of the majority of the members of the association."

That the members of the boards composing the standing committees, shall be summoned after the usual day, when appointed by the Chair, unless by leave of the House, or leave to be the rule of the member proposing the amendment, shall be made known, which according to the rules of the House is directed to happen the tenth or the day.

On the same day, the Commission held the 11th meeting, at which the Commission discussed the progress of the work of the Commission and the work of the Commission in the field of the Commission. The Commission also discussed the work of the Commission in the field of the Commission.

On the motion of Mr. Collins, *Resolved*, That the Judiciary committee be instructed to inquire and report to this House, at a period as early as practicable whether any, and if not, what modifications it is expedient to make in the Judiciary system at the present session of the General Assembly.

Mr. Forrest offered the following resolution: *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the law now in force on the subject of serving writs in civil cases where such is required, as to make the leaving of a copy of the writ by the sheriff or other officer, at the usual residence of the defendant, five days before the sitting of the court to which such writ is returnable, a sufficient service of such writ, and that the said committee report by bill or otherwise, which was lost.

On the motion of Mr. Walker, *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so altering the common law, as to prevent the abatement of writs instituted by females only, upon their marriages; provided their respective husbands will make themselves parties at the next term of the court after such abatement, with leave to report by bill or otherwise.

Mr. Richardson offered the following resolution: *Resolved*, That the committee on Ways and Means, be instructed to inquire into the expediency of affecting some change in relation to the commissioners of Roads and Revenues, and report by bill or otherwise, which was lost.

Mr. Collier presented the report of the two members of the State Capital, *Resolved*, That the same, together with the accompanying documents, be referred to the committee on the state capital.

Mr. Spencer laid before the House, the process of studying counties in this State. *Ordered*, That the same be referred to the committee on Appropriations; but here the House adjourned until tomorrow morning, *March 2nd*.

TUESDAY, November 22, 1827.

The House met at 10 o'clock for adjournment.

Thomas Kelly, a member from the county of Baldwin, appeared, was questioned, and took his seat.

Mr. Dennis presented the petition of sundry citizens residing in township no. 8, range no. 13 east of the base meridian of St. Stephens, in answer to a writ of Habeas corpus in Pike county, which was read and referred to the committee on county Resolutions.

Mr. Weinger presented the petition of sundry inhabitants of Perry county, praying the passage of a law authorizing the justice of the Peace to take the post-mortem, and the responsibility of death.

*Ordered*, That the same lie on the table.

Mr. Walker offered the following resolution: *Resolved*, That it is the opinion of this House, that the President and Directors of the Bank of the state of Alabama, had no authority or power either express or implied to purchase a lot and contract for the building of a Banking house; *Ordered*, That said resolution lie on the table.

Mr. Ross, it is the select committee on townships was referred the memorial of the citizens of the city of Mobile, praying authority to be vested in the Board of mayor and aldermen of that city, so as to enable them to prevent the erection any building, save those built of brick or stone of certain size, their intention. Reported a bill to be entitled "An act supplementary to an act to incorporate and alter and amend the charter of incorporation of the city of Mobile;" which was read a first time, and ordered to be read a second time.





Mr. Collier presented the annual report of the President and Directors of the Bank of the State of Alabama: which was read. *Ordered*, That five hundred copies thereof be printed for the use of this House.

A message from the Senate, by Mr. Lyon.

Mr. Speaker:—The Senate concur in the resolution of your honorable body, inviting them to assemble in the Representative Hall on tomorrow at the hour of eleven o'clock, for the purpose of opening and publishing the several returns of the election for Governor, and have amended the same by striking out the word "tomorrow," and inserting to day; at 11 o'clock, in which they desire your concurrence. They also concur in the resolution of your honorable body, appointing a committee to act with a committee as may be appointed on the part of the Senate, to examine and report whether John Davis has safely kept and returned the property of the state, committed to his custody; and have appointed on their part Messrs. Powell and Usher. — And then he withdrew.

In which amendment the House concurred.

Mr. Vining moved to take from the table the message of his Excellency the Governor, which was carried. *Ordered*, That the same, together with the accompanying documents be referred to a committee of the whole House on Saturday next.

Mr. Cooper obtained leave to introduce a bill to be entitled "an act to provide a more summary mode for the trial of assaults and battery: which was read a first time, and ordered to be read a second time.

On motion of Mr. Bridges *Resolved*, That the Senate be now invited to assemble in the Representative Hall in pursuance of a resolution of the two Houses.

The Senate having repaired to the Hall of the House of Representatives, agreeably to a resolution, Mr. Speaker proceeded to open and count the votes for Governor, which having been done, he declared John Murphy Esquire, to have received seven thousand seven hundred and nine votes.

Mr. Speaker therefore arose and declared that John Murphy Esquire, was duly and constitutionally elected Governor of the state of Alabama, for the ensuing two years. The Senate then withdrew.

Neal Smith, a mémoir from the county of Clarke, appeared, was qualified, and took his seat.

On motion of Mr. Forrest. *Ordered*, That Mr. Jack be added to the select committee appointed on the petition of sundry inhabitants of Jefferson county, praying the passage of a law to fix and establish the dividing line, between the counties of Tuscaloosa and Jefferson.

On motion of Mr. Smith of Mad. *Resolved*, That a committee be appointed to examine into the expediency of establishing a branch bank of the state of Alabama in the Tennessee Valley: whereupon Messrs. Smith of Ala. Kelly, Vining, Ellis, Venable, and Higgins, were appointed said committee.

A message from the Senate, by Mr. Lyon.

Mr. Speaker:—I am directed by the Senate to inform your honorable body, that they have appointed a committee on their part, to consist of Messrs. Sullivan and Merriweather, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his excellency John Murphy, the Governor elect, and notify him of his election to the office of Governor for the ensuing two years; and to ascertain from his excellency when it will suit his convenience to take the oaths of office, in which they ask your concurrence.—In which resolution the



ause concurred: whereupon Messrs. Kelly, M'Vay of Loud. and Ross, were appointed said committee.

On motion of Mr. Rainey, *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of adopting a different mode of selecting grand Juries, and report by bill or otherwise. And the House adjourned until tomorrow, 10 o'clock.

FRIDAY, November 23, 1827.

The House met pursuant to adjournment.

Mr. Coopwood presented the petition of George W. Stoneroad, praying the passage of a law to emancipate a certain slave therein named: which was read and referred to a select committee, consisting of Messrs. Coopwood, M'Vay of Law, and Daniel, to consider and report thereon.

Mr. Wiggins presented the petition of the officers of the 27th regiment of Monroe county, praying the passage of a law amending the militia law—which was read and referred to the military committee.

Mr. Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorise the Judge of the county court, and commissioners of roads and revenue of said county, to cause a road therein named, to be changed or altered: which was read and referred to the committee on Roads, Bridges, and Ferries.

Mr. Sibley presented the petition of sundry inhabitants of Baldwin and Mobile counties, praying the passage of a law incorporating a turnpike company, for the purpose of improving a certain road therein named: which was read and referred to a select committee consisting of Messrs. Sibley, Cook, Stone, and Greening.

Mr. Harris presented the petition of George W. Myers, together with an account of said Myers as sheriff of Washington county: which were severally read and referred to the committee on Accounts.

Mr. Clark presented the petition of sundry inhabitants of Bibb and Shelby counties, praying the passage of a law to donate to said petitioners about five acres from off the east corner of the east half of the north east quarter of section 23, township 24, range 11, east, including a grave yard and a part of Mahan's creek, which run through said land: which was read and referred to the committee on Schools, Colleges, and Universities, and School and University lands.

Mr. Kelly from the select committee appointed on the part of this House to act with the committee appointed on the part of the Senate, to wait on his Excellency John Murphy, Governor elect. *Reported* that the committee had performed that duty, and received for answer, that he would on Monday next, at the hour of 12 o'clock, take the oaths of office.

Mr. Greening presented a communication from the Comptroller of Public Accounts, containing an expose of the disbursements made from the contingent fund, to whom paid, and for what services—which was read: *Ordered* that said report lie on the table: and that one hundred copies thereof be printed for the use of this House.

Mr. Clark presented the account of William E. Sawyer, sheriff of Bibb county; which was read and referred to the committee on Accounts.

Mr. Stone presented the petition of Leon Nicholas, of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named: which was read and referred to a select committee consisting of Messrs. Stone, Ross, and Sibley.

Mr. Stone presented the petition of John Soto, of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named: which was read, and referred to a select committee consisting of Messrs. Stone, Ross, and Sibley.

Mr. Lewis presented the petition of sundry inhabitants of Montgomery county, praying the passage of a law removing the disqualification and of restoring Bushrod W. Bell, to all the rights of citizenship which was read and referred to a select committee, consisting of Messrs. Lewis, Higgins, Bonnell, M'Rae of Mon. and Terry, to consider and report thereon.

On motion of Mr. Moore of Jack. *Resolved*, That this House do, on this day at eleven o'clock, proceed to the election of a committee of three persons, to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank, according to an act of the General Assembly in such case providing.

Mr. Coopwood presented the account of Hugh M. Warren, sheriff of Lawrence county, which was read and referred to the committee on accounts.

On motion of Mr. Richardson. *Resolved*, That the committee on Propositions and Grievances, be instructed to inquire into the expediency of passing a special act authorizing the sheriff of Greene county, to expose for sale at Springfield in said county, 1. th property which may be believed on by the said sheriff on the west side of the Warrior river. The object of this resolution is, to remedy the evil which now exists in consequence of the Warrior river being between the citizens of the west of said river, and the county seat for said county, which river is frequently subject to inundation, thereby rendering the communication with the county seat impracticable and dangerous, and report by bill or otherwise.

Mr. Greening presented the accounts of John Gillis, Jailer of Conecuh county which were severally read and referred to the committee on accounts.

Mr. Greening presented the account of James Fendrea, sheriff of Covington county, which was read and referred to the committee on accounts.

On motion of Mr. Sibley. *Resolved*, That the committee on Roads, Bridges, and Ferries be instructed to inquire into the expediency of rendering overseers of the road accountable to the commissioners of the Roads and Revenue, for the manner in which they may have expended the fines by them collected and received from defaulting hands, liable to work on the roads in their respective districts.

Mr. Vivian from the select committee to whom was referred the petition of Isham R. Houze, reported a bill to be entitled an act to authorize Isham R. Houze to bring to this State the slaves of Susan B. Houze; which was read a first time and ordered to be read a second time.

Mr. Forrest from the select committee to whom was referred the petition of sundry inhabitants of Jefferson county, reported a bill to be entitled an act to fix and establish the dividing line, between the counties of Tuscaloosa and Jefferson, by visible and marked boundaries; which was read a first time and ordered to be read a second time on Monday next.

On motion of Mr. Bridges. *Resolved*, that the committee on Roads, Bridges, and Ferries, be instructed to inquire into the expediency of enacting a general law authorizing the county courts of Roads and Revenue to change or turn State roads which may run through their respective counties, when such change shall be obviously essential to the improvement of said roads and shall in no wise interfere with the public utility of the same.

Mr. Acklen from the select committee to whom was referred the petition of sundry citizens of the town of Huntsville, reported a bill to be entitled, an act to amend the act incorporating the town of Hunts-

file; which was read a first time and ordered to be read a second time.

Mr. Walker presented the accounts of Jesse Beene, which were severally read and referred to a select committee consisting of Messrs. Sharp, Tarver, Collier and Lewis.

Mr. M'Vay, of Laud, from the select committee to whom was referred a resolution instructing them to inquire into the expediency of reducing into one the several acts giving fees to justices of the peace & Constables; reported a bill to be entitled "an act to reduce into one the several acts giving fees to justices of the peace and constables; which was read a first time and ordered to be read a second time."

Mr. Lewis presented the record & proceedings of the Circuit court of Montgomery county, exercising Chancery jurisdiction, in the case of William Travis against Elizabeth Travis, for divorce; which was read and referred to the committee on Divorce and Alimony.

Mr. Lewis presented the record and proceeding of the Circuit Court of Montgomery County, exercising Chancery Jurisdiction, in the case of Joseph Cadole, against Nancy Cadole, for divorce; which was read and referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House the record and proceedings of the Circuit Court of Pike County, exercising Chancery Jurisdiction in the case of Abraham Danner, vs Anna Danner, for divorce; which was read and referred to the Committee on Divorce and Alimony.

Mr. Stone from the select Committee to whom was referred the petition of the Harbor master and Wardens of the port and harbor of Mobile, reported a bill to be entitled: An act to repeal in part and amend the several acts now in force relative to Port and Harbor of Mobile; which was read a first time and ordered to be read second time.

On motion of Mr. Collier. *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the law of the last session of the General Assembly, prohibiting the introduction of slaves within this state for sale or hire, as to permit guardians to introduce into this state the slaves of their wards for hire.

On motion of Mr. Rather. *Resolved*, That a committee be appointed to memorialize the Congress of the United States praying the appointment of commissioners and surveyors, to run the line between the state of Alabama and the Cherokee tribe or nation of Indians; or so much of said line commencing at Camp Coffee on the south side of Tennessee river, running from thence a due south course, to the top of the dividing ridge between the waters of the Tennessee and the Tombeckbe rivers, as is laid down in the treaty of Turkey Town the 4th of October, 1816; which treaty is signed by Major General Andrew Jackson, General David Meriwether, and Jesse Franklin Esq. commissioners on the part of the United States; Whereupon Messrs. Rather, Kelly, Lewis, and Vaughan were appointed said committee.

On motion of Mr. Craig. *Resolved*, That the military committee be instructed to inquire into the expediency of so amending the militia law of this state, so as to fix by law, the specified days of muster, as well as the days of holding their respective Courts martial

On motion of Mr. Daniel. *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so altering the law which makes it the duty of the Judges of the County courts, to appoint not less than one day in each month as a return day, and to fix upon one or more days certain in each month in its stead, and for that day to be uniform throughout the state.

The House then proceeded to the orders of the day.



A bill to be entitled "An act to incorporate the town of Blountsville, in the county of Blount," was read a second time, and ordered to be engrossed for a third reading.

Agreeably to a resolution of to day, the House proceeded to the election of a committee on the Bank of the state of Alabama; whereupon Messrs. Kelly, Greening, and Ross, were duly elected said committee.

On motion of Mr. Moore, of Jack, *Resolved*, That the Senate be informed that this House have elected Messrs. Kelly, Greening, and Ross to act with such committee as may be appointed on their part, to examine the condition of the State Bank.

On motion of Mr. Coopwood, *Resolved*, That a select committee be appointed for the purpose of preparing a memorial to the Congress of the United States, asking such relief for the purchasers of public Lands in this state sold under the credit system, as their situations may appear to require; whereupon Messrs. Coopwood, Walker, and Jack, were appointed said committee.

On motion of Mr. Brainerd, *Resolved*, That the military committee be instructed to report into the expediency of re-charting an act of the General Assembly passed the 12th day of January 1826, entitled "An act to alter the time of holding company courts martial, which act has been by the adoption of the revised code of the militia & patrol laws, by Thomas W. Farrar, virtually repealed, and that the said committee report by bill or otherwise.

A bill to be entitled "An act to authorise Justices of the Peace, to take the oath of Office, and the relinquishment of Oath, was referred to the Judiciary committee.

Bill of the following title, to wit: An act supplementary to act entitled "An act to alter and amend the charter of Incorporation of the city of Mobile,"

An act to provide a more summary mode for the trial of slaves & Latties, were severally referred to the Judiciary committee to consider and report thereon. And then the House adjourned until tomorrow morning 10 o'clock.

Saturday, November 24, 1827.

The House met pursuant to adjournment.

Mr. Ellis presented the petition of sundry inhabitants of the 11th township and range 7 west of the meridian of Huntsville, in Walker county, praying the passage of a law authorising, with a view to the sale of lot 16th section, with the exception of lot No. 1, containing 20 acres, which is laid off and known in the place of said section, and leased out to James Daniel for the term of five years, which was read and referred to the committee on Schools, Colleges, and Universities, and School and University lands.

Mr. Bell presented the petition of sundry inhabitants of Limestone county, praying the passage of a law authorising Robert Pollock, to collect all moneys as may be due him for medical services rendered; & that he may be permitted to sue others if with the medical board, and enter in his certificate as though he had applied in due time; which was read and referred to the Judiciary committee.

Mr. Collier presented the petition of Samuel B. Eving, administrator of the estate of Thomas Eving deceased, praying the passage of a law authorising him to sell two lots in the town of Chasaba; which was read and referred to the Judiciary committee.

Mr. Vining from the committee on Schools, Colleges, and Universities and School and University lands, to whom was referred a resolution of

this House, instructing them to inquire into the expediency of appropriating monies arising from the sixteenth sections, exclusively for the benefit of the children of the poor: *Reported* that they deem it inexpedient to make such appropriation: In which report the House concurred.

Mr. Coopwood from the select committee to whom was referred the petition of George W. Stonerod, reported a bill to be entitled "An act to amend certain slaves therein mentioned: which was read a first time, and ordered to be read a second time on Monday next.

Mr. V. V. of Law, from the select committee to whom was referred a resolution of this House has directing them to inquire into the expediency of amending the constitution that there be bi-annual instead of annual sessions of the General Assembly; *Reported* a resolution proposing amendments to the constitution of the state of Alabama which was read a first time; *Ordered* That said resolution lie on the table, and that one hundred copies thereof be printed for the use of this House.

As yet from the senate by Mr. Crabb.

*Mr. Speaker* — The Senate have adopted the following resolutions, in which they desire your concurrence. *Resolved*, That with the concurrence of the House of Representatives, the Senate will convene at two o'clock on Monday next, in the Hall of the House of Representatives, for the purpose of electing a state Printer for the ensuing year, and that the House of Representatives be informed thereof.

*Resolved*, by the Senate, that with the concurrence of the House of Representatives, it shall be the duty of the military standing committees of the two Houses of the General Assembly to examine the state Arsenal, and to report the number and situation of the public arms therein.

*Resolved*, That the Senate will, on Saturday the 24th inst. at 12 o'clock A. M. proceed to the election of a committee on the part of the Senate, to act with such committee as may be appointed by the House of Representatives, for the purpose of examining into the condition of the Bank of the state of Alabama, pursuant to the provisions of an act entitled "An act to amend the charter of the Bank of the state of Alabama," and that the House of Representatives be informed thereof. And then he withdrew.

*Ordered*, That the House concur in that part of the message which relates to the election of a state Printer, and to examine the state Arsenal.

*Ordered*, That so much of said message as relates to the election of a committee to examine into the condition of the state Bank, be laid on the table.

Mr. Coopwood obtained leave to introduce a bill to be entitled "An act for the more speedy trial of chancery causes," which was read a first time and ordered to be read a second time on Monday next.

On motion of Mr. Bridges, *Resolved*, That the Secretary of State be required to furnish to this House, an abstract of the census of this state, which has been returned to that department for the present year.

On motion of Mr. Walker, *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of repealing so much of the sixteenth section of an act passed the 27th day of December 1814, as makes it the duty of constables, for want of goods and chattels of which to levy any execution, to take the defendant's body by virtue thereof, and to provide by law that Justices of the Peace shall not issue a capias ad satisfaciendum, unless when expressly required by the plaintiff.

On motion of Mr. Ashton *Resolved*, That the Judiciary committee be

instructed to inquire into the expediency of amending the law now in force, requiring three days grace to be given to payors of bonds, obligations, bills single, promissory notes, and all other writings for the payment of money, or any other thing; and also, repealing the law now in force, placing bonds, bills single, promissory notes, and all other writings for the payment of money, or any other thing, upon the footing of inland bills of exchange, and defining the liability of endorsers.

Mr. Coopers introduced the following preamble and resolution:

*Whereas*, by the tenth section of the sixth article of the constitution of this state, it is made the duty of the General Assembly to regulate by law, the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction; and whereas the General Assembly have heretofore neglected to pass the law contemplated by the constitution: *Be it therefore Resolved*, That the Judiciary committee be instructed to inquire into the necessity of passing a law, defining in what cases and what amount of the salaries of public officers shall be deducted for failure to perform the duties of their respective offices: which was adopted.

Mr. Clark obtained leave to introduce a bill to be entitled "an act compelling clerks of circuit and county courts, to calendar causes in their respective counties: which was read a first time, and ordered to be read a second time.

On motion of Mr. Duke, *Resolved*, That with the concurrence of the Senate, the two Houses immediately after electing a state Printer, proceed to the election of a Judge of the county court of Fayette county.

Mr. Higgins moved to amend the resolution by adding thereto, a Judge of the county court of Montgomery county.

Mr. Dennis moved to amend the same, by adding a Judge of the county court of Pike county.

Mr. Collier moved to amend the same by adding thereto, a Judge of the county court of Tuscaloosa county.

Mr. Smith of Clarke, moved to amend the same by adding thereto, a Judge of the county court of Clark county.

Mr. Dennis moved farther to amend the same by adding thereto, a Judge of the county court of Dale county. In all of which amendments the House concurred.

Mr. Lewis presented the account of Samuel Dennis, Jailor of Montgomery county; which was read and referred to the committee on accounts, to consider and report thereon.

Mr. Lewis presented the petition of Ebenezer D. Washburn, administrator, & Abner A. Venable administrators of James Gause deceased, praying the passage of a law to sell certain land certificates therein mentioned: which was read and referred to the Judiciary committee.

Mr. Daniel presented the account of Joel D. Harris, Jailor of Lawrence county; which was read and referred to the committee on accounts.

Mr. Cook presented the account of William Payne, Sheriff of Butler county, which was read and referred to the committee on accounts.

Mr. Smith of Clarke, presented the account of James Beckham, Jailor of Clarke county; which was read and referred to the committee on accounts.

On motion of Mr. Walker, *Resolved*, That the committee on the state Bank, be instructed to inquire into the expediency of so amending the charter of the Bank of the state of Alabama, so as to prevent any individual becoming indebted to the Bank in a greater amount than two

thousand dollars, either by bill, note, or otherwise.

*Ordered* That Mr. Paulding be added to the committee appointed for the purpose of drafting a memorial, praying relief for the purchasers of public lands. *Ordered*, That Mr. Lawler be added to the committee on Schools, Colleges, and Universities, and School and University lands.

Mr. Vaughan obtained leave to introduce a bill to be entitled "an act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein, which was read a first time, and ordered to be read a second time on Monday next.

Mr. M'Vay, of Land, from the select committee to whom was referred the petition of Cyrus Chapter No. 6, of Royal Arch Masons, and Florence Lodge No. 14, of Ancient Free Masons, in the town of Florence; *Reported* a bill to be entitled "an act authorising a Lottery for the benefit of Cyrus Chapter No. 6, of Royal Arch Masons, and of Florence Lodge No. 14, of Ancient Free Masons, in the town of Florence;" which was read a first time, and ordered to be read a second on Monday next.

On motion of Mr. Perkins, *Resolved*, That the committee on the state Capitol be, and is hereby authorised to inquire into the expediency of annexing lots No. 128 and 129, in the plan of the town of Tuscaloosa, to the Capitol square; and if expedient, report the best method of obtaining a simple title to the state, for the same.

Mr. Ross obtained leave to introduce a bill to be entitled "an act to provide for an extra term of the circuit court of Mobile county; which was read a first time, and ordered to be read a second time on Monday next.

On motion of Mr. Kelly, *Resolved*, That the select committee appointed to draft a memorial to Congress on the subject of relinquished lands, be instructed to embrace in said memorial, such alterations as may be desirable in relation to the public lands within the state; and also the claims of this state to the aid of the General Government in prosecuting useful works of internal improvement; and that two additional members be added to said committee: whereupon Messrs. Kelly and Martin were appointed.

On motion of Mr. Weisinger, the House then resolved itself into a committee of the whole on his excellency's message. Mr. Vinig in the chair; and after some time spent in the consideration of the same, the committee then rose and Mr. Speaker resumed the chair; and Mr. Vinig reported that the committee according to order, have had his Excellency's message under consideration, and have made sundry references thereon, and leave was asked until Monday next to report thereon: which was granted.

A bill to be entitled "an act to authorise William R. Houze to bring into this state, the slaves of Susan B. Houze; which was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr. Speaker laid before the House a communication from Grantland & Robinson, public printers, on the subject of public printing: *Ordered*, That said communication lie on table. And then the House adjourned until Monday morning, 10 o'clock.

Monday, November 26th, 1827.

The House met pursuant to adjournment.  
Mr. Terry presented the account of William Holbrooks late jailor of



**Autauga county** which was read and referred to the committee on accounts.

Mr. Martin presented the petition of sundry citizens of Mooresville praying the passage of a law authorising them to elect a Justice of the Peace and Constable under the same rules and regulations, and to hold their offices for three years from the date of their commissions as other justices of the peace and constables, provided they shall reside within the limits of said town, but whose jurisdiction shall extend and be equal to those elected in the several towns of the county, which was read and referred to the judiciary committee.

Mr. Price presented the account of Lewis Proctor jailor of Jackson county, which was read and referred to the committee on accounts.

Mr. Smith of Clarke presented the petition of sundry inhabitants of Clarke county recommending Samuel Wilkins to be continued in the capacity of Judge of the county court of said county, which was read:—ordered that said petition lie on the table.

Mr. Sargent presented the record and proceedings of the circuit court of Franklin county exercising chancery jurisdiction in the case of Elizabeth W. Cowell, against Samuel Cowell for divorce, which was read and referred to the committee on divorce and alimony.

A message from the Senate by Mr. Lyon.

Mr. Speaker—pursuant to the provisions of an act entitled an act to amend the charter of the Bank of the State of Alabama the Senate have elected a committee on their part to consist of Messrs. Casey Jackson and Earl, to act with the committee elected on the part of your honorable body to examine and report the state and condition of the Bank of the State of Alabama, and then he withdrew.

Mr. Jack offered the following resolution:—*Resolved*, that the judiciary committee be instructed to inquire as to the expediency of taking away from the county court all jurisdiction except that which it possesses as a court of ordinary, with leave to report by bill or otherwise which was lost:—Yeas 24. Nays 59.

The yeas and nays being demanded those who voted in the affirmative are Mr. Speaker Anderson, Bradford, Brown, Bridges, Collier, Conner, Davis, Forrest, Greening, Harris, Jack, Kelley, Lewis, Massey, Moore of Jackson, Paulding, Ramey, Ross, Russell, Sibley, Smith of Clarke, Stone, Tavenner, 24.

Those who voted in the negative are, Mr. Aiken, B. H. Broadnax, Burnett, Clark, Colgin, Cook, Copwood, Craig, Daniel, Dennis, Dorrett, Duke, Ellis, Edmondson, Higgins, Lawler, Martin, McVay, Lauderdale, M. Vay of Lawrence, McRae of Monroe, McRae of Franklin, Moore of Madison, Perkins, Price, Rather, Richardson, Robertson, Sargent, Sharp, Smith of Madison, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, Wiggins, 59.

On motion of Mr. McRae of Franklin:—*Resolved*, that the committee on ways and means be requested to inquire into the propriety of changing the taxes on retail merchants and fix the taxes agreeable to the amount of capital employed to be classed in three or more classes and licenses to be procured from the clerks of the county courts.

On motion of Mr. Rather:—*Resolved*, that the judiciary committee be instructed to enquire into the expediency of giving to the circuit court of Morgan county an additional week for the term of said court.



Mr Lawler obtained leave to introduce a bill to be entitled an act to alter the boundary line between the counties of Shelby & Autauga which was read a first time and ordered to be read a second time.

Mr. Coopood obtained leave to introduce a bill to be entitled an act to incorporate the town of Courtland in the county of Lawrence, which was read a first time and ordered to be read a second time.

Mr. Forrest obtained leave to introduce a bill to be entitled an act to authorise the Sheriff of Walker county to execute precepts issued by justices of the peace, which was read a first time and ordered to be read a second time.

On motion of Mr. Walker:—*Resolved*, that the judiciary committee be instructed to inquire into the expediency of revising amending and embodying into one act, the several acts of this state in relation to attachments.

A message from the Senate by Mr. Crabb, Mr. Speaker, the Senate concur in the resolution of your honorable body proposing to go into the election of Judges of the county courts of Fayette, Montgomery, Pike, Tuscaloosa, Clarke, and Dale, counties immediately after the election of state printer and then he withdrew, ordered that said message lie on the table.

Mr Greening from the judiciary committee to whom was referred a bill to be entitled, an act to provide a more summary mode for the trial of assaults and batteries, reported the same without amendment.

Mr. Vining from the committee of the whole House to whom was referred his Excellency the Governor's communication together with the accompanying documents have according to order had the same under consideration and reported the following resolutions:—*Resolved*, that so much of the Governors message as relates to the pecuniary embarrassment of the state be referred to the committee on the State Bank:—*Resolved*, that so much of the Governors message as relates to the Tombigbee Bank and the revision of the criminal code be referred to the judiciary committee:—*Resolved*, that so much of the Governors message as recommends an increase of the salaries of the Judges and Solicitors of this state be referred to the committee on ways and means:—*Resolved*, that so much of the Governors message as relates to a summary mode for the trial of slaves be referred to the judiciary committee.—*Resolved*, that so much of the Governors message as relates to the creation of the office of a State Reporter of legal cases adjudicated in the supreme court be referred to the judiciary committee:—*Resolved*, that so much of the Governors message as relates to education and the location of the university, be referred to the committee on schools, colleges, and universities, and school and university lands:—*Resolved*, that so much of the Governors message as relates to the boundary line between this State and Georgia, be referred to a select committee, whose duty it shall be to examine and report to this house the nature and state of the controversy, whereupon Messrs. Kelly, Lewis, and Moore of Jackson, were recommended for said committee, and thereupon they were accordingly appointed:—*Resolved*, that so much of the Governors message as relates to Internal improvements be referred to the committee on Inland Navigation:—*Resolved*, that so much of the Governors message as relates to the public arms, be referred to the military committee:—*Resolved*, that so much of the Governors message as relates to agriculture, be referred to a select committee, whereupon

Messrs. Bridges, Ross, and Daniel were recommended for said committee, and thereupon they were accordingly appointed:—*Resolved*, that so much of the Governors message as relates to the imposition of duties by the Congress of the United States with a view to protect home industry, be referred to a select committee, whereupon Messrs. Colgin, Collier, Lewis, Kelly, Clark, Craig, and Duke, were recommended said committee, and thereupon they were accordingly appointed said committee:—*Resolved*, that the preamble and resolutions of the state of Ohio be referred to a select committee, whereupon Messrs. Moore of Jackson, Lewis, and Martin, were recommended said committee, and thereupon they were accordingly appointed said committee:—*Resolved*, that the resolutions of the states of Maine and Connecticut, be referred to a select committee, whereupon Messrs. Ferry, Walker, Weisinger, Kelly, & Martin, were recommended said committee, and thereupon they were accordingly appointed said committee; in all of which resolutions the House concurred.

Mr. Greening from the judiciary committee, to whom was referred a bill to be entitled, an act supplementary to an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, reported the same without amendment.

Mr. Greening from the judiciary committee, to whom was referred a resolution instructing them to enquire into the expediency of so amending the common law as to prevent the abatement of suits by Femme Sole reported a bill to be entitled, an act to prevent the abatement of suits in certain cases, which was read a first time and ordered to be read a second time.

Mr. Greening from the judiciary committee, to whom was referred a resolution instructing them to enquire into the expediency of making provision for the preservation of the papers remaining in the offices of the clerk of the House of Representatives, and of the Secretary of the Senate, at the end of each session, reported a bill to be entitled, an act to provide for the arranging, filing and preservation of the papers relating to the transacted business of each session of the Legislature, which was read a first time and ordered to be read a second time.

Mr. Greening from the judiciary committee, to whom was referred the petition of sundry inhabitants of Limestone county praying relief for David Robert Pollock, reported that the prayer of said petition is sensible and ought not to be granted, in which report the house concurred.

Mr. Stone from the select committee, to whom was referred the petition of John Soto and others praying the emancipation of certain slaves therein named, reported a bill to be entitled an act to emancipate certain persons therein named, which was read a first time and ordered to be read a second time.

Mr. Lewis from the select committee, to whom was referred the petition of sundry citizens of Montgomery county praying the relief of Bushrod W. Bell, reported a bill to be entitled, an act for the relief of Bushrod W. Bell, which was read a first time and ordered to be read a second time. A message from the Senate by Mr. Crabb; Mr. Speaker; the Senate have appointed a committee on their part consisting of Messrs. Cary and Evans, to act with such committee as may be appointed on the part of your honorable body, to wait on his excellency John Murphy the Governor elect and conduct him to the hall of the House of Representatives this day at the hour of twelve o'clock for the purpose of his installation

into office and then he withdrew: whereupon Messrs. Kelly, Ross, and M. Vay of Lauderdale, were appointed said committee.

Mr. Sibley from the select committee, to whom was referred the petition of sundry inhabitants of Baldwin county praying the incorporation of a turnpike company to improve the road from Blakeley to Greenville, reported a bill to be entitled, an act to incorporate the Blakeley and Greenville turnpike company, which was read a first time and ordered to be read a second time.

Mr. Moore of Jackson offered the following resolution:—*Resolved*, that the committee on ways and means be instructed to enquire into the expediency of allowing the different county courts to lay a county tax of any sum not exceeding the state tax in their respective counties which was lost.

On motion of Mr. Coopwood:—*Resolved*, that the military committee be instructed to enquire into and report to this House to whom and what number of applicants have received of the public arms, and also to enquire into the manner they have given bond and probable solvency of them and their securities, and also of the propriety of passing a law compelling all those who have or hereafter may get any of the arms from the arsenal to renew their bonds once a year.

On motion of Mr. Acklen:—*Resolved*, that the judiciary committee be instructed to enquire into the expediency of passing a law authorising the deposition of witnesses residing within this state to be taken where they reside out of the county in which the testimony may be required.

Mr. McVay of Lawrence obtained leave to introduce a bill to be entitled, an act to provide for the choosing of electors of President and Vice President of the United States, which was read a first time and ordered to be read a second time.

On motion of Mr. Craig:—*Resolved*, that the committee on ways and means, be instructed to enquire into the expediency of taking some steps to ascertain upon what terms and conditions the government of the United States would dispose of her lands within the limits of this state with a view to this state's becoming the purchaser, with leave to report to this House.

On motion of Mr. Massey:—*Resolved*, that the military committee be instructed to enquire into the expediency of passing a law to furnish the militia officers of this state with a suitable number of the abridgements of the infantry of the United States discipline at the expense of the state as they may think most advisable, with leave to report by bill or otherwise.

On motion of Mr. Cook:—*Resolved*, that the committee on the judiciary, be instructed to enquire into the expediency of reviving the second section of an act passed the 4th day of Feb. 1807 entitled an act to prevent the evil practice of gaming, and to report by bill or otherwise.

Mr. Anderson offered the following resolution: Be it resolved, that there shall be a committee of five appointed, whose duty it shall be to draw up a preamble & resolutions recommending Andrew Jackson to be a proper person to fill the office of President of the United States at the approaching Presidential election, if they should see cause to do so, which was adopted.

Whereupon Messrs. Anderson, Kelly, Moore of Mad. Forrest, and Coopwood, were appointed said committee.

On motion of Mr. Acklen:—*Resolved*, that the Senate be informed that



the House of Representatives are now ready to receive them for the purpose of installing and qualifying the Governor elect, and that the east end of the Hall be assigned for their reception.

Ordered that Mr. Jack be added to the military committee.

Ordered that Mr. Paulling be added to the committee on schools colleges, and universities and school and university lands.

Ordered that Messrs. Craig and Sargent, be added to the judiciary committee.

Mr. Coopwood offered the following preamble and resolution.

*Whereas*, it is important that all interests should be represented on the judiciary committee, as well as all other important committees, & whereas the judiciary committee is composed entirely of gentlemen of the Bar, and whereas all important questions in relation to the jurisprudence of the country is referred to that committee, as well as many important bills and resolutions, and whereas the most salutary provisions may be defeated by an unfavorable report of said committee, and whereas it is not for want of the most implicit confidence in the honorable gentlemen composing that committee, but that all should be heard on the said committee,

*Be it therefore resolved*, that Mr. Smith of Clark be added to the judiciary committee.

Mr. Lewis moved that the further consideration of the same be indefinitely postponed, which was lost, yeas 24, nays 35.

The yeas and nays being desired, those who voted in the affirmative are: Mr. Speaker, Archer, Bonnell, Clark, Collier, Comer, Davis, Ellis, Forrest, Greening, Harris, Jack, Lewis, Martin, McRae of Mon. Moore of Mad. Perkins, Russell, Sibley, Tarver, Terry, Walker, Vin-ling, Walthead, 24.

Those who voted in the negative are, Messrs. Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Colgin, Cook, Coopwood, Craig, Daniel, Dennis, Durrett, Duke, Edmondson, Higgins, Lawler, McVay of Law. Massey, McRae of Frank. Moore of Jack. Paulling, Price, Roney, Rather, Richardson, Robertson, Sargent, Sharp, Smith of Clark, Smith of Mad. Vaughan, Ward, Weisinger, Wiggins, 35.

Mr. Bridges then moved that said preamble and resolution lie on the table, which was carried.

Ordered, Messrs. Craig and Sargent, be excused from serving on the judiciary committee, they being already on two standing committees of this House.

On motion of Mr. Walker:—*Resolved*, that the Rev. Robert Cunningham be invited within the bar of the House of Representatives, for the purpose of addressing a prayer to the throne of grace appropriate to the installation of his Excellency the Governor elect, whereupon Messrs. Walker and Tarver were appointed for that purpose.

The Senate having repaired to the hall of the House of Representatives and taken their seats, his Excellency John Murphy appeared, and Mr. Speaker administered to him the oath prescribed by the Constitution, and the oath to suppress duelling was administered to him by Hiram Shortridge Esq. a Justice of the Peace, after which an appropriate prayer was delivered by the Rev. Robert Cunningham, the Senate withdrew.

Ordered that Mr. Craig be added to the committee on ways and means, and then the House adjourned till 10 minutes before 2 o'clock.

Evening session 10 minutes before 2 o'clock.

The House met pursuant to adjournment:—Mr. Speaker laid before the House, a communication from his Honor Chief Justice Abner S.

Lipscomb, which was read and referred to the Judiciary committee.

Mr. Speaker laid before the House a communication from Samuel Peckens Esq. Comptroller of public accounts, which was read: ordered that the same together with the accompanying documents, be referred to the committee on accounts.

On motion of Mr. Acklen:—*Resolved*, that the Senate be informed that the House of Representatives are ready to receive them for the purpose of going into the election of State printers, and Judges of the several county courts, and that the east end of the Hall be assigned for their reception.

On motion of Mr. Greening:—*Resolved*, that a committee may be appointed to wait on his Excellency Governor Murphy, and request a copy of the inaugural address delivered by him this day, to both Houses of the General Assembly, that the same may be entered on the journals of this House, whereupon Messrs. Greening, Moore of Jack. and Broadnax, were appointed said committee.

Ordered that Mr. Smith of Clark, be added to the committee on ways and means.

Ordered that Mr. Kelley, be added to the Bank committee.

Mr. McVay of Land. moved to take from the table the following proposed rule for the government of this House: rule No. That the number of members composing the standing committees shall not be increased after they shall have been appointed by the chair, unless by leave of the House obtained before the name of the member proposed to be added shall be made known, which was carried.

Mr. McVay of Land. then proposed the adoption of said rule, which was carried.

Mr. Moore of Jack. then proposed to add a member to the committee on the State capitol.

Mr. Moore of Jack. then moved that Mr. Perkins be added to the committee on the State capitol, which was carried.

Mr. Ross who voted in the majority appointing Mr. Perkins on said committee moved a reconsideration of the vote, which was carried.

The question was then again on appointing Mr. Perkins on said committee, which was carried: yeas 59, nays 5.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Darrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelley, Lawler, Lewis, Martin, McVay of Land. Mr. Vay of Law. Massey, McRae of Monroe, McRae of Franklin, Moore of Jack. Paulding, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad. Stone, Tarver, Terry, Vaughan, Vining, Walthal, Ward, Weisinger, Wiggins 59.

Those who voted in the negative are, messrs. Clark, Moore of mad. and Walker.

Mr. Moore of Jackson offered the following resolution:—*Resolved*, that the committee on the state Bank be instructed to inquire of the President and directors of said bank whether they have erected or are about erecting a house intended for a bank house for said bank, and if so what will be the cost of said building if it be not now when will it be completed, and report such information as they may obtain.

The Senate having repaired to the Hall of the House of Representa-

fives; both Houses then proceeded to the election of a public printer. **Dugald McFarlane, and Grantland & Robinson, being in nomination.**

**For Dugald McFarlane 62 votes.—For Grantland & Robinson 20 votes.**

Those who voted for Dugald McFarlane are, Messrs. Abernethy, Ashe, Casey, Crabb, Earle, Hubbard, Irwin, Jones, Merriwether, Moore, Skinner, Sullivan, of the Senate Mr. Acklen, Anderson, Bell, Bradford, Brown, Bridges, Bonnell, Clark, Colgin, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Edmondson, Forrest, Greening, Higgins, Jack, Kelly, Lawler, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Mad, Paulding, Price, Rainey, Richardson, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Varver, Vaughan, Walker, Walthall, Ward, Weisinger, Wiggins, 62.—Those who voted for Grantland & Robinson are, Mr. President, Barton, Brown, Evans, Jackson, McCamy, Powell, of the Senate Mr. Speaker, Broadnax, Collier, Ellis, Harris, Lewis, Martin, Moore of Jack, Perkins, Rather, Ross, Terry, Van y 22

Dugald McFarlane having received a majority of votes Mr. Speaker therefore declared him duly elected public printer for the ensuing five months.

Both Houses then proceeded to the election of a Judge for the county court of Fayette County.—John McConnel being in nomination.—For John McConnel 79 votes.

Those who voted for John McConnel are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, McCamy, Merriwether, Moore, Powell, Rainey, of the Senate, Thomas, of the Senate Mr. Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Varver, Terry, Vaughan, Walker, Walthall, Ward, Weisinger, Wiggins, 79.—John McConnel having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Fayette County.

Both Houses then proceeded to the election of a Judge of the county court of Montgomery County.

**Nimrod E. Benson being in nomination.—For Nimrod E. Benson 79 votes.**

Those who voted for Nimrod E. Benson are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, McCamy, Merriwether, Moore, Powell, Skinner, and Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Varver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins, 79.

Nimrod E. Benson having received a majority of votes Mr. Speaker therefore declared him elected Judge of the county court of Montgomery County.

Both houses then proceeded to the election of a Judge of the county court of Pike County Alexander McColl being in nomination for Alexander McColl 79 votes.

Those who voted for Alexander McColl are, Mr. President, Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of Mad,



Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad. Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—79.

Alexander McColl having received a majority of votes Mr. Speaker therefore declared him duly elected Judge of the county court of Pike county.

Both Houses then proceeded to the election of a Judge of the county court of Tuskaloosa County, Thomas Owen being in nomination.

For Thomas Owen 79 votes.—Those who voted for Thomas Owen are Mr. President Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan, of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McVay of Laud, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—79.

Thomas Owen having received a majority of votes Mr. Speaker, therefore declared him duly elected Judge of the county court of Tuskaloosa County.—Both Houses then proceeded to the election of a Judge of the county court of Clark county.

For Samuel Wilkinson 76 votes.—Those who voted for Samuel Wilkinson are, Mr. President Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan, of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Laud, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Moore of mad, Paulding, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—76.

Samuel Wilkinson having received a majority of votes Mr. Speaker, therefore declared him duly elected Judge of the county court of Clark county.—Both Houses then proceeded to the election of a Judge of the county court of Dale county, William Loftin being in nomination.

For William Loftin 75 votes.—Those who voted for William Loftin are Mr. President Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Irwin, Jackson, Jones, Merriwether, Moore, Powell, Skinner, Sullivan of the Senate, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, McVay of Laud, McVay of Law, Massey, McRae of Mon, McRae of Frank, Moore of Jack, Paulding, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—75.

William Loftin having received a majority of votes Mr. Speaker, thereupon declared him duly elected Judge of the county court for Dale county.

The House resumed the consideration of Mr. Moore of Jackson's resolution, Mr. Greening moved to amend the resolution by striking out all after the word resolved, and substitute in lieu thereof, the following:—That the committee on the state bank, be instructed to ascertain whether the President and Directors of the state bank have determined to erect a banking house, and if so, how far the same has progressed and what amount of money has been expended for the same, and what amount will be necessary to complete it, and if any difference of opinion existed among said directors, as to the propriety and expediency of erecting a building, to report the reason of such difference of opinion, and that the said committee be required to ascertain whether the President and Directors have any power to erect a building, and to purchase real estate for that purpose and whether any money existed for the erection of said building, and that the said President and Directors be required to furnish the information contemplated by this resolution.

Mr. Kelly moved to amend the proposed bill by striking the word "joint" before the word "congratulation," which was lost.

A division of the question being called for, the vote was first taken on striking out, which was carried.

The vote was then taken on the adoption of Mr. Greening's amendment, which was carried.

The House then proceeded to the order of the day, engrossed bills of the following titles, to wit:—An act to incorporate the town of Huntsville in the county of Blount, An act to authorize John B. House to bring to this state the slaves of John B. House, were severally read a third time and passed.—*Ordered*, that the titles be as aforesaid.—*Ordered*, that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit:—An act to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson, by visible and marked boundaries. An act relative to the port and harbor of Mobile.

An act authorizing a lottery for the benefit of Cyrus Chapter No. 4 of Royal Arch Masons, and of Florence Lodge No. 14 of Ancient Free Masons in the town of Florence.

An act to provide for an extra term of the circuit court in Mobile county.

An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein, an act to emancipate certain slaves therein mentioned.—An act to amend the act incorporating the town of Huntsville, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act to establish a certain election precinct in the county of Marengo was laid on the table.

A bill to be entitled, an act to reduce into one the several acts giving fees to Justices of the peace and Constables, was laid on the table.

Bills of the following titles, to wit:—An act compelling Clerks of circuit and county courts to calendar the cases in their respective courts.

An act for the more speedy trial of chancery causes, were severally referred to the judiciary committee.

A bill to be entitled, an act to provide for the payment of petit and grand juries in Dallas county. Mr. Anderson moved to amend the bill by striking the word Dallas, wherever it occurs in said bill, and "Marengo counties", which was carried.



of Mr. Rainey:—*Resolved*, that a committee of three members be appointed to enquire what compensation shall be allowed **Hiram Smith Esq.** for services rendered this house, whereupon **Messrs. Rainey Moore of Md. and Richardson**, were appointed said committee.

Mr. Massey offered the following resolution:—*Resolved*, that the military committee be instructed to enquire into the expediency of passing a law authorising the commanding officers of Regiments, Battalions, and Companies, to authorise some suitable person to officiate as sutlers at each of the aforesaid muster-grounds, with leave to sell spirituous liquors, without paying licenses for the same on days of musters, drills, and other military, on the express condition that the said sutlers, shall clean and keep in good repair, suitable parade ground, with leave to retail by bell or otherwise, which was lost.

Mr. Russell obtained leave to introduce a bill to be entitled, an act to extend the corporate limits of Baltimore, which was read a first time and ordered to be read a second time; and then the House adjourned until tomorrow morning 11 o'clock.

FRIDAY, November 27th, 1827.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the Comptroller of public accounts, which was read:—*Ordered*, that said report together with the accompanying documents be laid on the table:—*Ordered*, that five hundred copies thereof be printed for the use of this House.

Mr. Staley presented the account of James Conway Sheriff of Baltimore county, which was read and referred to the committee on accounts.

Mr. Torrey presented the petition of William May and James Reynolds, praying the passage of a law granting them remuneration as rowers of the public ferry opposite the town of Chawha, which was read and referred to the committee on petitions and grievances.

Mr. Harris presented the accounts of the Sheriff of Washington county, which was read and referred to the committee on accounts.

Mr. Sibley presented the petition of China Evans and others, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee, consisting of Messrs. Sibley Stone and Harris.

The Speaker laid before the House a communication from the Secretary of State, which was read:—*Ordered*, that said communication lie on the table:—*Ordered*, that one thousand copies thereof be printed for the use of this House.

Mr. Rainey presented the account of James Yates, late jailer of Green county, which was read and referred to the committee on accounts.

Mr. Smith of Clarke presented a communication from the grand jury of Clarke county, praying the passage of some salutary law, having for its object the suppression of vice, which was read and referred to the judiciary committee.

Mr. Broadnax presented the account of Jordan Abbott, Sheriff of Autauga county, which was read and referred to the committee on accounts.

Mr. Broadnax presented the account of Jacob P. House, late Sheriff of Autauga county, which was read and referred to the committee on accounts.

Mr. Broadnax presented the account of Isaac Thacker which was read and referred to the committee on accounts.

Mr. Cook presented the petition of sundry inhabitants of Pike county, praying the passage of a law, to annex part of Pike county to Butler county, which was read and referred to the committee on county boundaries.

Mr. Dennis presented the petition of sundry inhabitants of Dale county, praying the passage of a law, extending to them the benefits of the judiciary system, which was read and referred to the judiciary committee.

Mr. McRae of Frank. presented the record and proceedings of the circuit court of Franklin county, exercising chancery jurisdiction in the case of William O. Russell against Nancy G. Russell for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Coopwood from the committee on divorce and alimony, to which was referred a resolution instructing them to enquire into the expediency of so amending the constitution as to make decrees of the courts of chancery final in all applications for divorce without the concurrence of two thirds of the General Assembly reported that it is inexpedient to legislate upon that subject, in which report the House concurred.

The select committee appointed to wait on his Excellency Governor Murphy, on 1st inst. a copy of the inaugural address delivered by him on taking the oaths of office have performed the duty assigned them and received a copy of said address which is herewith submitted. Said communication is as follows:

FELLOW CITIZENS of the Senate and House of Representatives. I have the honor to appear before you, to renew the solemnities of induction into an office which the kind confidence and partiality of the people still continue to entrust to me. It is an easy task to frame the acknowledgements which are due to an ordinary obligation, but in the present instance, no language could express satisfactorily the grateful emotions of the heart, the deepest sensibility denies utterance or rejects it while I attempt to repay the favors bestowed on me by the people. I candidly confess that I am not satisfied with my ability, my services or my diligence: I would desire to awaken new powers and to induce new habits of arduous action. If I have been able to effect any thing it has been in no degree commensurate with my wishes. But the consolation is left that I have not ceased to be actuated by a constant and conscious desire, to serve faithfully those who are pleased to employ me. In the future duties which may devolve upon me this desire will in no wise be diminished, on the present occasion and in this place, I may be indulged in making these observations, but it would be unnecessary to say more on a subject unavoidably personal in its character. I view with the deepest interest, the labors which may engage the present session, and sincerely hope that the harmonious and united efforts of the powers of government may be able to effect whatever the common good may require, I shall enter upon the duties of my station anew strengthened by the appearance of your liberal support, and it will always be my pleasure as it cannot cease to be my duty, to give a cheerful and ready co-operation to the best of my knowledge and ability in the measures which may be devised to promote the advantage, happiness and reputation of the State. I am now ready to take the obligations of office. In retiring from the assemblage of both Houses, I pray you Honorable Gentlemen to receive the earnest assurances of my most profound respect consideration and esteem.

Mr. Sharp from the select committee to whom was referred the accounts of Jesse Beene, reported that said accounts are composed of char-

ges against the State for interest and monies advanced for stationary for the use of the office of the clerk of the Supreme court for the transcribing in bound books, the opinion of the Judges of said court on cases therein adjudicated and for cost accruing to the said clerk on cases determined in said court against the State, your committee are of opinion that the item for interest on money advanced if established by proper evidence ought to be allowed. Your committee are apprised of no law which makes it an ex officio duty of the clerk of the supreme court to transcribe the opinions of the Judges of said court, nor are they advised that the State is under a moral obligation to receive and pay for the opinions thus transcribed, but as the books containing them have been accessible to the Judges and Lawyers for the purpose of reference and greatly facilitates their enquiries into the decisions of that court and inasmuch as they would greatly aid a reporter, should the Legislature think it expedient to appoint one, they recommend that the sum charged by Mr. Beene for this service be allowed him. Your committee are of opinion, that the charge for cost upon State cases should not be allowed, but that services rendered by the Clerk in cases where the State is cast, should be considered as ex-officio, were it to be determined otherwise, the Treasury of the State would be chargeable with an immense debt. Defendants witnesses in cases where the State has been unsuccessful Justices and Constables Clerks and Sheriff's would all look to the State for payment of cost accruing to them but once establish a precedent and every one coming within the reason of it must have its full benefit, in conformity to these views, your committee beg leave to report a bill to be entitled, an act making compensation to Jesse Beene, for certain services by him rendered and for other purposes, which was read a first time and ordered to be read a second time.

On motion of Mr. Harris:—*Resolved*, that the judiciary committee be instructed to enquire into the propriety of interdicting by law, the introduction of free persons of color into this State, and also to enquire into the necessity of passing some general law for the emancipation of slaves without the intervention of the General Assembly, and what additional regulations, if any are necessary for the government of resident free persons of color.

On motion of Mr. Terry:—*Resolved*, that the members of this House furnish the chairman of the committee on privileges and elections, certificates of their respective elections.

On motion of Mr. Forrest:—*Resolved*, that the committee on schools colleges and universities, and school and university lands, be instructed to enquire into the expediency of reducing the minimum price at which the university lands of this State may be entered below the price established by the act of the 13th of January 1826, entitled "an act to class and fix the price of the university lands", and that the said committee report by bill or otherwise.

On motion of Mr. Terry:—*Resolved*, that the committee on ways and means be instructed to enquire into the expediency of so altering the revenue law of this State, as to make it the duty of the several assessors and collectors of taxes, to commence their assessments and collections, and make their payments into the state and county Treasuries at an earlier period, in each and every year, than is now required by law.

On motion of Mr. Forrest:—*Resolved*, that the judiciary committee be instructed to enquire into the expediency of revising consolidating and



reducing into one the several acts now in force in this state, on the subject of the probate of wills, and granting letters of administration.

On motion of Mr. Massey:—*Resolved*, that the judiciary committee be instructed to enquire into the expediency of passing an act to prevent frivolous and vexatious proceedings by grand juries, and that such act shall provide that no criminal prosecution shall be instituted in any court whatever, for assaults and batteries, unless one of the parties to the assault and battery shall appear, in open court, and have his or her name entered on the Docket as prosecutor of the suit.

On motion of Mr. Walker:—*Resolved*, that the judiciary committee be instructed to enquire into the expediency of providing by law, that the Judges of the supreme court shall not require more than two briefs to be filed in any case.

Mr. Dashiell introduced a bill to be entitled, an act better to secure the benefit of the... certain property from execution, to poor families at a first time, which was read a first time and ordered to be read a second time.

Mr. Dashiell introduced a bill to be entitled an act giving execution to the... of the... the... that executions have from the... and... which was read a first time and ordered to be read a second time.

Mr. Speaker laid upon the table the annual report of the State Treasurer, which was read, and that the same lie on the table, and that the same be printed for the use of this House.

On motion of Mr. Collier:—*Resolved*, that a select committee be appointed to enquire into the... of the United States, regarding the... admitted into the... since the... extension of the... judicial system, he admitted for publication of its... when upon Messrs. Collier, Adkins, Turner, Jackson, and Walker were named as said committee.

The Speaker laid upon the table a communication from George F. Sullivan, Attorney General of the State of Alabama, with correspondence in 1880, which was read, and on motion of Mr. Ross:—*Resolved*, that the address of George F. Sullivan, presenting charges against Abraham Kelly, one of the Judges of the Supreme Court of this State, be referred to a select committee for investigation, and that said committee have power to send for persons and papers wherever Messrs. Ross, Kelly, Gunning, Lewis, and Collier, were appointed said committee.

Mr. Anderson offered the following resolutions:—*Resolved*, that this House to day, at the hour of 12 o'clock will go into the election of a sergeant at arms, for the service of this House, for and during the present session of the Legislature, which was laid on the table.

The House then proceeded to the order of the day:—Engrossed bills to be entitled an act to repeal in part and amend the several acts now in force relative to the port and harbor of Mobile, was read a third time and passed:—*Ordered*, that the title be published:—*Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to incorporate the Blakely and Greenville turnpike company, was laid on the table.

A bill to be entitled, an act supplementary to an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, was read a second time; and the question being put, shall this bill be engrossed—

And read a third time. it was determined in the affirmative, yeas 50, nays 10.

The yeas and nays being desired, those who voted in the affirmative are Mr. Speaker, Acklen, Anderson, Bell, Brown, Broadnax, Bridges, Branch, Colgin, Conner, Cook, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmundson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McRae of Mon, McRae of Frank, Moore of Ind, Moore of Mad, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walthead, Weisinger, Wiggins. 50.

Those who voted in the negative are Mr. Bradford, Clark, Collier, Copwood, Craig, McVay of Land, McVay of Law, Massey, Walker, Ward. 10.

Evening session half past 2 o'clock.

The House met pursuant to adjournment:--Bills of the following titles, passed:--An act to extend the corporate limits of Bellefont:--An act to amend the abatement of suits in certain cases:--An act to provide for the arranging filing and preservation of the papers relating to the minutes and business of each session of the Legislature:--An act for the relief of Richard W. Bell, were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled, an act to authorize John S. Co and Leon Nicholas to emancipate certain slaves therein named:--Mr. Harris moved to amend the bill by way of the following proviso:--*Provided also* that said John S. Co have this slave within twelve months after the passage of this act and shall never return to reside therein. the bill was then laid on the table.

A bill to be entitled, an act to alter the boundary line between the counties of Shelby and Antwaig, was laid on the table.

A bill to be entitled an act to authorize the Sheriff of Walker county to execute precepts issued by Justices of the peace:--Mr. Martin moved to amend the first section of the bill, by adding after the word cases, the words, "the subject to the same remedies prescribed by law against Constables for neglect of duty," and Mr. Weisinger moved that the bill lie on the table, which was carried.

A bill to be entitled an act to provide a summary remedy for the trial of assault and batteries.

Mr. Ross moved that the further consideration of the bill be indefinitely postponed, which was carried, yeas 33, nays 22.

The yeas and nays being desired, those who voted in the affirmative are Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Bonnell, Colgin, Collier, Conner, Cook, Dennis, Edmundson, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McRae of Mon, Moore of Mad, Perkins, Richardson, Ross, Robertson, Sharp, Sibley, Stone, Tarver, Terry, Vining, Walker, Walthead, Ward, Wiggins. 33.

Those who voted in the negative are Mr. Broadnax, Bridges, Clark, Copwood, Craig, Daniel, Davis, Durrett, Duke, Ellis, McVay of Land, McVay of Law, Massey, McRae of Frank, Moore of Jack, Rainey, Rather, Russell, Sargent, Smith of Mad, Vaughan, Weisinger. 22.

A bill to be entitled, an act to provide for the choosing Electors of President and Vice President of the United States.

Mr. Rather moved to amend the 5th section by striking out the word

"twelve", and substituting in lieu thereof, the word "twenty", which was carried. the bill was then referred to the judiciary committee.

Engrossed bills of the following titles, to wit; an act to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson, by visible and marked boundaries.

An act to provide for an extra term of the Circuit Court in Mobile county.

An act prescribing the mode of commencing the contest of certain elections, and procuring evidence therein. were severally read a third time and passed:—*Ordered*, that the titles be as aforesaid:—*Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled an act to emancipate certain slaves therein mentioned, was read a third time. Mr. Harris moved to amend the bill by way of the following engrossed rider:—*Provided*, that said slave shall leave this state within twelve months after the passage of this act, and shall never return to reside therein, which was lost: the bill was then passed:—*Ordered*, that the title be as aforesaid:—*Ordered*, that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to authorize John Soto and Leon Nicholas to emancipate certain persons therein named, was then taken up; and then the House adjourned until tomorrow morning 9 o'clock.

WEDNESDAY, November 2<sup>th</sup>, 1827.

The House met pursuant to adjournment.

Mr. Walker offered the following resolutions:—*Resolved*, that the committee on the State Capitol, be instructed to enquire and report to this House, what would be the probable cost of the Capitol, if erected according to the plan proposed and adopted at the last session of the Legislature.

*And be it further resolved*, That the committee on the State Capitol, be instructed to procure from Mr. Nichols, the Architect, a plan for the State Capitol, which will not cost a greater sum than that already appropriated for that purpose, with instructions to report the same to this House as early as possible:—*And whereas*, it is probable that the plan of the Capitol will be changed for a more suitable one:—therefore, *Be it further resolved*, That the committee on the State Capitol, be instructed to direct the commissioners appointed to conduct and superintend the building of the Capitol, to desist from making further contracts in that behalf, until they receive other and further instructions from the Legislature. Mr. Moore of Jackson moved to strike out the second number of the resolution, which was carried, yeas 31, nays 24.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Bell, Bradford, Brown, Colgin, Conner, Daniel, Davis, Ellis, Edmondson, Forrest, Harris, Jack, Martin, M'Vay of Law, M'Rae, of Frank, Moore, of Jack, Perkins, Price, Rainey, Richardson, Robertson, Russell, Sargent, Sibley, Smith of Clarke, Smith of Mad Stone, Tarver, Vining, Ward, 31.

Those who voted in the negative are, Mr. Acklen, Anderson, Broadnax, Bridges, Bonnell, Clark, Coppwood, Dennis, Durrett, Duke Higgins, Lawler, M'Vay of Land, Massey, M'Rae of Mon, Moor of Mad, Butler, Sharp, Terry, Vaughan, Walker, Wallhal, Weisinger, Wiggins, 24.

Admission of the question being called for, the vote was first taken on the adoption of the first number of the resolutions, which was carried, the question was then adopted.



Mr. Daniel then moved to lay the second or last number of the resolution on the table, which was lost, yeas 23, nays 32.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Bell, Brown, Bonnell, Colgin, Conner, Coopwood, Daniel, Davis, Durrett, Ellis, Edmondson, Forrest, Harris, Jack, McVay of Laud, McVay of Law, M'Rae of Frank, Perkins, Rainey, Richardson, Sargent, Smith, of Mad. Voting—23.

Those who voted in the negative, are, Arklen, Anderson, Bradford, Broadnax, Bridges, Clark, Cook, Dennis, Duke, Higgins, Lawler, Martin, Massey, M'Rae, of Mon, Moore, of Jack, Moore, of Mad, Price, Rather, Robertson, Russell, Sharp, Sibley, Smith, of Clark, Stone, Tarter, Terry, Vaughan, Walker, Wallial, Ward, Weisinger, Wiggins—32. The resolution was then adopted.

Mr. Voting, from the select committee to whom was referred the petition of sundry inhabitants of the county of Madison, praying an alteration in the mode of supporting paupers, and for other purposes, Reported a bill to be entitled "An act to provide for the support of Paupers," which was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the Judiciary committee.

Mr. Sibley, from the select committee to whom was referred the petition of China Evans, and an accompanying memorial of sundry inhabitants of Baldwin county, Reported a bill to be entitled "An act to emancipate a certain slave therein named;" which was read a first time and ordered to be read a second time.

Mr. Vaughan obtained leave to introduce a bill to be entitled "An act relative to offsets before Justices of the Peace;" which was read a first time, and ordered to be read a second time.

On motion of Mr. Vaughan, Resolved, That the select committee appointed to memorialize Congress on the subject of public lands, be instructed farther to inquire into the propriety of petitioning Congress that applicants may divide quarter sections as well east and west, as north & south; and that they hereafter sell and allow entries of tracts of forty acres.

Mr. Clark obtained leave to introduce a bill to be entitled "An act limiting the duties of Grand Jurors;" which was read a first time and ordered to be read a second time.

Mr. Durrett from the select committee to whom was referred the petition of the citizens of the first township, and Range No. 8, west of the meridian of Huntsville, situated in the county of Lauderdale, Reported a bill to be entitled "an act to authorise the commissioners of the 16th section of the first township and eighth range west of the meridian of Huntsville, situated in the county of Lauderdale, to lease said section for ninety nine years, renewable forever;" which was read a first time, and ordered to be read a second time.

Mr. Bell obtained leave to introduce a bill to be entitled "an act declaring Elk river, and Big Shoal Creek, public highways;" which was read a first time and ordered to be read a second time.

A message from the Senate by Mr. Lyon.

Mr. Speaker—I am instructed to inform your Honorable body, that the Senate have passed bills of the following titles, to wit: An act for the relief of William Ferguson. An act to amend an act entitled an act to incorporate the town of Florence, in the state of Alabama.—In which they

desire your concurrence. And then he withdrew.

Mr. Vining obtained leave to introduce a bill to be entitled "an act to repeal an act passed 25d December, 1824, concerning divorce, and for other purposes;" which was read a first time.

Mr. Vining then moved that the rule requiring bills to be read on three several days, be dispensed with; and that the bill be read a second time forthwith—which was lost: there not being a constitutional majority voting in favor of the rule. It was then ordered to be read a second time.

Mr. Smith of Clarke, offered the following resolution: *Resolved* That in as much as the Branch Bank of the United States' Bank at Mobile, is considered a nuisance and an injury to the inhabitants of this state; *Resolved* therefore, that the committee on Ways and Means be instructed to inquire into the expediency of laying a tax on all citizens within the limits of this state, who may deal with or receive any accommodations from the said Branch Bank of the Bank of the United States at Mobile, either by Check, Note, Bill of Exchange, or otherwise; and report the same to this House.

Mr. Jack then moved that the resolution lie on the table: which was carried.

On motion of Mr. Stone *Resolved*, That a committee be appointed who shall act as a joint committee with such committee as may be appointed on the part of the Senate, to examine the library of the state and report its condition—and what, if any, regulations may be necessary for the same. Whereupon Messrs. Stone, Jack, Coopwood, and Craig, were appointed said committee.

Mr. Rather presented the annual Report of the Quarter Master General; which was read and referred to the military committee.

Mr. Rather obtained leave to introduce a bill to be entitled "an act giving longer stays on executions from Justices of the Peace, and a longer time for constables to return executions directed to them by a Justice of the Peace: which was read a first time—and the question being put shall this bill be read a second time? it was determined in the affirmative—yeas 45—nays—17.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Anderson, Bell, Bradford, Brower, Broadnax, Bridges, Bonnell, Colgin, Collier, Comer, Coopwood, Craig, Daniel, Dennis, Durrutt, Duke, Ellis, Edmondson, Forrest, Harris, Higgins, Lawler, Martin, M'Vay of Law, Massey, M'Rae, of Frank, Moore, of Jack, Moore, of Mad. Price, Rainey, Rather, Robertson, Sargent, Sharp, Smith of Clark, Smith of Mad. Terver, Terry, Vaughan, Vining, Walker, Walthall, Ward, Weisinger, Wiggins—45.

Those who voted in the negative are,

Mr. Speaker, Acklen, Clark, Cook, Davis, Greening, Jack, Kelly, Lewis, M'Vay of Laud, M'Rae of Mon. Perkins, Richardson, Ross, Russell, Sibley, Stone—17.

Mr. Jack presented the account of John Davis, which was read and referred to the committee on accounts.

Mr. Jack presented the account of Thomas M. Davenport, which was read and referred to the committee on accounts.

Mr. Craig obtained leave to introduce a bill to be entitled "an act, to authorize the raising of ten thousand dollars for the purpose of improving the navigation of the Tennessee river, through Colbert's Shoals, and for

building a bridge across Shoal Creek?" which was read a first time, and ordered to be read a second time.

Mr. Ross, from the select committee to whom was referred a communication from George F. Salle, made the following Report.

I am instructed, by the select committee which was appointed on the part of this House to investigate the official conduct of Abner S. Lipscomb, one of the Judges of the Supreme court of this state, on charges preferred by George F. Salle, to state to the House, that in the preliminary steps they have taken, they find it necessary to have a messenger, or some person to summon and procure the attendance of witnesses, and have instructed me to recommend to the House, the immediate appointment of such an officer;—in which report the House concurred.

A resolution proposing to go into the election of a sergeant at-arms, was then taken from the table.

Mr. Forrest moved to amend the resolution by adding after the word "Legislature," the words "or so long as his services are required"—which was adopted.

Mr. Ross then moved to strike out the words "a sergeant at-arms," and substitute in lieu thereof "a messenger," which was adopted.

Mr. Perkins moved to strike out the words "to day at the hour of 12 o'clock," and insert the words "will instantly," which was adopted—the resolution then as amended, was adopted.

The House then proceeded to the election of a messenger—whereupon James Rather was duly elected.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law, making it the duty of the Judges of the county courts to appoint one day in each month as return day, and of fixing said day uniformly throughout the state: Reported a bill to be entitled "an act to make the return days of the county court certain and uniform throughout the state:" which was read a first time and ordered to be read a second time.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of repealing so much of the 16th section of an act passed the 27th day of December, 1814 as makes it the duty of constables for want of goods and chattels, to take the body of the defendant by virtue thereof, Reported a bill to be entitled "an act to repeal in part an act, passed 27th December, 1814," which was read a first time and ordered to be read a second time.

Mr. Greening, from the Judiciary committee to whom was referred the petition of Samuel B. Ewing, Reported a bill to be entitled "an act to authorize Samuel B. Ewing, administrator of Thomas Ewing deceased, to sell and transfer real estate," which was read a first time and ordered to be read a second time.

Mr. Greening from the Judiciary committee to whom was referred the petition of Ebenezer D. Washburn and Anna, M. Washburn. Reported a bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates, where it may be for the benefit of the heirs, which was read a first time and ordered to be read a second time.

Mr. Greening from the Judiciary committee to whom was referred a communication from the Honorable Abner S. Lipscomb, recommending the propriety of passing a law placing accounts contracted for spirituous liquors on the same footing with gaming considerations. Reported that it



is inexpedient to pass the law recommended by the said communication; in which report the House concurred.

Mr. Greening, from the Judiciary committee to whom was referred a resolution instructing them to inquire what modification it is expedient to make in the Judiciary system of this state, reported a bill to be entitled "an act to provide for the election Judges of the Supreme court," which was read a first time. Ordered that said bill lie on the table and that two hundred copies be printed thereof for the use of this House.

Mr. Stone presented the account of Joseph Owens, which was read and referred to the committee on accounts.

Mr. Coopwood from the committee on Divorce and alimony, to whom was referred the record and proceedings of the circuit court of Montgomery county, exercising chancery jurisdiction in the case of William Travis against Elizabeth Travis for divorce. Reported a bill to be entitled "an act to divorce William Travis from Elizabeth Travis," which was read a first time and ordered to be read a second time.

Mr. Rainey offered the following resolution: Resolved that the committee on schools, colleges, and universities, and school and university lands, be instructed to inquire into the expediency of locating the state University at the present session, and report to this House—which was lost.

Engrossed bills from the Senate of the following titles, to wit: An act to amend an act entitled an act to incorporate the town of Florence, in the state of Alabama. An act for the relief of William Ferguson, were severally read a first time, and ordered to be read a second time.

The House then proceeded to the orders of the day.—A bill to be entitled "an act to authorise John Soto and Leon Nicholas to emancipate certain slaves therein named." The question was then put on Mr. Harris' amendment—which was lost; the bill was then read a second time, and ordered to be engrossed for a third reading. A bill to be entitled "an act better to secure the benefit of the laws exempting certain property from execution to poor families of this state," was read a second time and ordered to be engrossed for a third reading. A bill to be entitled "an act making compensation to Jesse Beene for certain services by him rendered," and for other purposes.

Mr. Coopwood moved to amend the caption of the bill by adding after the words "General Assembly" the words "of the state of Alabama," which was adopted—the bill was then referred to the committee on accounts.

A bill to be entitled "an act giving executions from Justices of the Peace the same force that executions have from circuit and county courts" which was referred to the Judiciary committee.

Engrossed bills of the following titles, to wit: "an act authorising a lottery for the benefit of Cyrus Chapter No. 6 of Royal Arch Masons, and of Florence Lodge No. 14, of Ancient Free Masons, in the town of Florence." "An act to amend an act incorporating the town of Hartselle." "An act supplementary to act entitled an act to alter and amend the charter of incorporation of the city of Mobile." "An act to extend the corporate limits of Bellefont." "An act to prevent the abatement of suits in certain cases." "An act for the relief of Bushrod W. Bell"—were severally read a third time and passed. Ordered that the titles be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A bill to be entitled "an act to incorporate the Blakely and Greenville Turnpike Company.

Mr. Cook moved to amend the fifteenth section, by striking out the words "between and a" with a view to insert the words "from an to," which was adopted—The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Mr. Lawler obtained leave to introduce a bill to be entitled "an act to emancipate certain slaves therein named," which was read a first time & ordered to be read a second time.

A bill to authorise the sheriff of Walker county to execute precepts issued by Justices of the Peace, was taken from the table and referred to the committee on the Judiciary.

Mr. Collier presented the record and proceedings of the circuit court of Tuscaloosa county exercising chancery jurisdiction in the case of Peggy Seay by her next friend John Snider, against Nicholas Seay, for divorce; which was read and referred to the committee on divorce and alimony. And then the House adjourned until tomorrow morning, 11 o'clock.

THURSDAY, November 29, 1827.

The House met pursuant to adjournment.

Mr. Ellis presented the petition of S. D. Read, for and in behalf of the inhabitants of Walker county, praying the passage of a law to locate the seat of Justice of said county; which was read and laid on the table.

Mr. Lawler presented the petition of Benjamin Frost, praying the passage of a law to change the name of, and legitimate a certain person, therein named; which was read and referred to a select committee, consisting of Messrs. Lawler, Jack, and Ralier.

Mr. Rainey presented the petition of sundry inhabitants of the 10th section, Township 20, Range 5, in Green county, praying the passage of a law to sell said section; which was read & referred to the committee on schools, colleges, and universities, and school and university lands.

Mr. Broadnax presented the accounts of Eli Abbott, Jailor of Antelope county, which were severally read and referred to the committee on accounts.

Mr. Sargent presented the record and proceedings of the circuit court of Franklin county, exercising chancery jurisdiction in the case of Jane Gholson against John Gholson, Francis Gholson, and Joseph Janison, for divorce; which was read and referred to the committee on divorce and alimony.

Mr. Edmondson from the committee of roads, bridges, and ferries, to whom was referred a resolution instructing them to inquire into the expediency of making overseers of roads account for fines collected by them from hands failing to work on roads when called out for that purpose. Reported that it is inexpedient to legislate on the subject—in which report the House concurred.

Mr. Coopwood from the committee on divorce and alimony to whom was referred the record and proceedings of the circuit court of Montgomery exercising chancery jurisdiction in the case of Joseph Cadole against Nancy Cadole for divorce. Reported a bill to be entitled "an act to divorce Joseph Cadole from Nancy Cadole; which was read a first time and ordered to be read a second time.

Mr. Coopwood from the committee on divorce and alimony, to whom was referred a transcript of the decision and decree of the circuit court

of Franklin county, exercising chancery jurisdiction in the case of William G. Russell against Nancy G. Russell for divorce. Reported a bill to be entitled "an act to divorce William G. Russell from Nancy G. Russell;" which was read a first time and ordered to be read a second time.

Mr. Greening, from the Judiciary committee to whom was referred the resolution instructing them to inquire into the expediency of amending the law of the last session of the General Assembly, prohibiting the introduction of slaves within this state for sale or hire, Reported a bill to be entitled "an act to amend an act entitled an act to prohibit the importation of slaves into this state for sale or hire;" which was read a first time and ordered to be read a second time.

A message from the Senate by Mr. Lyon:

Mr. Speaker—The Senate have instructed me to inform your honorable body, that they have read three several times and passed, a bill to be entitled "an act for the relief of James W. Armstrong," in which they desire the concurrence of your honorable body. Also a bill which originated with your honorable body, entitled "an act to incorporate the town of Blountsville in the county of Blount."—And then he withdrew.

Engrossed bill from the Senate entitled "an act for the relief of James W. Armstrong" was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith; and the rule being further dispensed with, it was read a third time and passed. Ordered that the clerk acquaint the senate therewith.

Mr. M'Vay of Law, moved to take from the table, a resolution proposing to amend the constitution so as to have biennial sessions of the General Assembly; which was carried.

Mr. Kelly then moved to amend the third number of the resolution by striking out the word "two," and insert in lieu thereof the word "four" after the word "for," and before the word "years;" which was lost. Yeas 26—nays, 25. The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Clark, Collier, Cook, Davis, Ellis, Forrest, Greening, Harris, Kedy, Lachler, Lewis, Martin, Moore of Jack, Perkins; Price, Rather, Ross, Russell, Sibley, Smith of Clark, Stone, Vaughan, Vining, Wiggin—26

Those who voted in the negative are

Messrs. Anderson, Bell, Bradford, Brown, Broadnax, Bonnell, Colgin, Coopwood, Craig, Daniel, Dennis, Durrett, Duke, Edmondson, Higgins, Jack, M'Vay of Land, M'Vay of Law, Mossey, M'Rae of Mon, M'Rae of Frank, Moore of Mad, Rainey, Richardson, Robertson, Sargent, Sharp, Smith of Mad, Tarter, Terry, Walker, Walthal, Ward, Weisinger—35

Mr. Martin then moved that the resolution be referred to a select committee which was carried: whereupon Messrs. Martin, M'Vay of Land, Kelly, Coopwood and M'Vay of Law, were appointed said committee.

On motion of Mr. Weisinger, Resolved that the committee on county boundaries be instructed to inquire into the expediency of adding S. H. Bogle, residing in the north east corner of Perry county, to the county of Bibb; with leave to report by bill or otherwise.

Mr. Cook obtained leave to introduce a bill to be entitled "an act to change the mode of issuing process by Justices of the Peace in civil cases;" which was read a first time and ordered to be read a second time.

Mr. Bell obtained leave to introduce a bill to be entitled "an act to



more effectually to secure the compensation of Jurors; which was read a first time and ordered to be read a second time.

Mr. Ross presented the memorial of the mayor and aldermen of the city of Mobile, praying the aid of the legislature in the establishment and support of a public Hospital for the city of Mobile, which was read and referred to a select committee consisting of Messrs. Ross Terry Forrest Smith of Clarke, and Wiggins.

On motion of Mr. Walker Resolved that the Judiciary committee be instructed to inquire into the expediency of providing by law a summary mode of enforcing the payment of bills of exchange, and drafts due the Bank of the state of Alabama.

Mr. Lawler moved to take from the table a bill to be entitled 'an act to alter the boundary line between the counties of Shelby and Autauga;' which was carried.

Mr. Perry then moved to refer the bill to the committee on county boundaries; which was lost. It was then read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Stone Resolved that the committee on schools, colleges, and universities, and school and university lands, be instructed to inquire into the expediency of memorializing the Congress of the United States on the subject of the sixteenth sections in each township, which are now valueless, and of asking the Congress of the United States to permit the inhabitants of each township, and in case there are no inhabitants in a township, then the Judge and commissioners of the county court, to enter with the Register of the land office within the district in which said valueless section may be situated, one section of land, instead of such valueless section, and that the revenue arising therefrom may be applied, and be under the control of the inhabitants of the township for which the same may be entered; and in case of no inhabitants, then to the support of such schools as may be established within the county in which said valueless section may be situated, under the directions of said Judge and commissioners of the county court.

Mr. Walker obtained leave to introduce a bill to be entitled 'an act in relation to the state house at Cahawba;' which was read a first time and ordered to be read a second time.

On motion of Mr. Colgin Resolved that the military committee be instructed to inquire into the expediency of altering and amending the law regulating patrol, so as to subject the captain of every militia company to greater penalty for neglect of duty to appoint patrol, and the captain of patrol when appointed, to a greater penalty for the neglect of his duty and report by bill or otherwise.

A bill to be entitled 'an act to provide for the payment of petit and grand Jurors in Dallas and Marengo counties,' was then taken from the table.

Mr. Smith of Clark moved to amend the bill by way of substitute.

Mr. Kelly then offered the following as an amendment, 'with instruction so to amend the bill as to graduate the tax on each suit by the amount in dispute.' The bill with the amendments was then referred to a select committee consisting of Messrs. Greening Smith of Clark Walker Craig and Anderson.

Engrossed bill to be entitled 'an act incorporating the town of Courtland in the county of Lawrence,' was laid on the table until tomorrow.

Engrossed bills of the following titles, to wit: An act to provide for the arranging, filing and preservation of the papers relating to unfinished business.

sinese of each session of the Legislature. An act better to secure the benefit of the laws exempting certain property from execution to poor families of this state. An act to emancipate certain persons therein named; were severally read a third time and passed. Ordered that the titles be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Walker obtained leave to introduce a bill to be entitled 'an act to permit witnesses and jurors to cross the Alabama and Cahawba rivers at the town of Cahawba, free of cost;' which was read a first time and ordered to be read a second time.

A bill to be entitled 'an act to permit executors and administrators to sell the real estate of their testator or intestates where it may be for the benefit of the heirs,' was then under consideration.

Mr. Kelly moved that the further consideration thereof be postponed until tomorrow; which was carried. A bill to be entitled 'an act relative to justices of the Peace,' was referred to the Judiciary committee. A bill to be entitled 'an act to emancipate a certain slave therein named,' was read a second time and ordered to be engrossed for a third reading. A bill to be entitled 'an act limiting the duties of grand juries.'

Mr. Walker moved that the further consideration of the bill be indefinitely postponed; which was lost—yeas 4—nays 57.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Martin Perkins Smith of Mad. Walker—4.

Those who voted in the negative are

Mr. Speaker Arden Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Copwood Craig Daniel Davis Dennis Durston Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis M'Way of Land, M'Way of Law, Massey M'Rae of Mon. M'Rae of Frank. Moore of Jack Moore of Mad. Price Rainey Rather Richardson Ross Robertson R. well Sargent Sharp Sibley Smith of Clarke, Stone Tarver Terry Vaughan Vining Walther Ward Weisinger Wiggins—57.

Mr. Jack offered the following by way of proviso: *Provided* that in all cases contemplated by this act where the state fails in the prosecution, the prosecutor shall be taxed with the costs; and that the prosecutor shall not hereby be rendered incompetent as a witness; which was adopted. The bill was then read as amended and ordered to be engrossed for a third reading.

A bill to be entitled 'an act to authorize the commissioners of the sixteenth section of the first township, and eighth range west of the meridian of Huntsville, situated in the county of Lauderdale, to lease said section for ninety nine years renewable forever,' was read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Kelly *Resolved* that the messenger appointed by the House be required to take an oath before the chairman of the special committee appointed to investigate the official conduct of the Honorable Abner S. Lipscomb, to discharge faithfully and speedily all the duties incident to his station. And then the House adjourned until tomorrow morning 10 o'clock.

FRIDAY, November 30, 1827.

The House met pursuant to adjournment. Mr. Forrest presented the petition of sundry inhabitants of Walker

county, praying the passage of a law to locate the seat of Justice in said county; which was read and referred to the committee on propositions and grievances.

Mr. Lawler presented the petition of Ansel Sawyer, praying the passage of a law to erect a water grist mill at the three Island Shoals, on the Coosa river, in Shelby county; which was read and referred to a select committee consisting of Messrs. Lawler, Clark, and Walthall.

Mr. Greening presented the record and proceedings of the circuit court of Conecuh county, exercising chancery jurisdiction in the case of Thomas L. Snowden against Tabitha Snowden for divorce; which was read and referred to the committee on divorce and alimony.

Mr. Perkins presented the petition of sundry inhabitants of Walker county, praying the passage of a law for the relief of William Jones; which was read and referred to a select committee, consisting of Messrs. Perkins, Sibley, and Harris, to consider and report thereon.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to authorise Justices of the Peace to take the probate of Deeds and the relinquishment of dower," Reported a substitute in lie thereof; which was read a first time and ordered to be read a second time.

Mr. Coopwood from the committee on divorce and alimony to whom was referred a transcript of the record and proceedings of the circuit court of Tuscaloosa county exercising chancery jurisdiction in the case of Peggy Seay by her next friend John Snider against Nicholas Seay for divorce, Reported a bill to be entitled "an act to divorce Peggy Seay from Nicholas Seay," which was read a first time and ordered to be read a second time.

Mr. Coopwood from the committee on divorce and alimony, to whom was referred a transcript of the record and proceedings of the circuit court of Franklin county, exercising chancery jurisdiction in the case of Elizabeth W. Cowell against Samuel Cowell for divorce, Reported a bill to be entitled "an act to divorce Elizabeth W. Cowell from Samuel Cowell," which was read a first time and ordered to be read a second time.

Mr. Coopwood from the committee on divorce and alimony, to whom was referred a transcript of the record and proceedings of the circuit court of Pike county exercising chancery jurisdiction, in the case of Abraham Danner against Anne Danner for divorce, Reported a bill to be entitled "an act to divorce Abraham Danner from Anne Danner," which was read a first time and ordered to be read a second time.

Mr. Ellis from the committee on enrolled bills, Reported that they had examined and found correctly enrolled, a bill to be entitled "an act for the relief of James W. Armstrong, which originated in the Senate.

Mr. Greening from the Judiciary committee to whom was referred a resolution, that the committee on the Judiciary be instructed to inquire into the expediency of revising the second section of an act passed the fourth day of February in the year 1827, entitled an act to prevent the evil practice of gaming, Reported a bill to be entitled "an act to revise in part a certain act therein specified;" which was read a first time and ordered to be read a second time.

Mr. Greening from the Judiciary committee to whom was referred the petition of sundry inhabitants of Mooresville, in Limestone county, praying the passage of a law authorising them to elect a Justice of the Peace and constable, Reported a bill to be entitled "an act to amend an act."



filed an act to incorporate the town of Mooresville and for other purposes," passed the 16th day of November, 1818, which was read a first time and ordered to be read a second time.

On motion of Mr. Massey *Resolved*, that with the consent of the Senate the two Houses will go into the election of a Judge of the county court of St. Clair county, at 3 o'clock P. M. and that the east end of the Hall be set apart for their reception.

Mr. Jack moved to reconsider the vote on the adoption of Mr. Massey's resolution, which was carried. The resolution then being under consideration, Mr. Jack moved to amend the resolution, by striking out the words "three P." and writing in lieu thereof the words "twelve and A." which was adopted.

The Speaker laid before the House the record and proceedings of the circuit court of Greene county, exercising chancery jurisdiction in the case of Winney Gaines against Francis T. Gaines for divorce; which was read and referred to the committee on divorce and alimony.

On motion of Mr. Walker *Resolved*, that the committee on the state Bank be instructed to inquire into the expediency of transferring so much of the funds of the University as remains in the Treasury, to the capital stock of the Bank of the state of Alabama.

Mr. Anderson from the select committee to whom was referred a resolution instructing them to draw up a resolution recommending Andrew Jackson to be a fit and proper person to fill the office of President of the United States as the approaching Presidential election. *Reported* a resolution recommending Andrew Jackson for President of the United States.

Mr. Coopwood moved to strike out the words "as well for the vice in the origin of his power as for the profligate use he has made of it."

Mr. Stone then moved that the resolution lie on the table, and that one hundred copies thereof be printed for the use of this House: which was carried.

On motion of Mr. Greening *Resolved*, that the committee on the state Bank be instructed to inquire into the expediency of providing for the erection of the state capitol out of the Seat of Government fund; and of transferring the funds remaining in the treasury at the end of each year, to the state Bank as capital stock.

Mr. Tarver obtained leave to introduce a bill to be entitled "an act to divide the twenty second regiment of the militia of this state;" which was read a first time and ordered to be read a second time.

Mr. Ellis moved to take from the table a petition from sundry inhabitants of Walker county: which was carried. The petition was then referred to the committee on propositions and grievances.

Mr. Lewis presented the record and proceedings of the circuit court of Montgomery county exercising chancery jurisdiction, in the case of Benjamin D. Hassell against Mary Hassell for divorce; which was read and referred to the committee on divorce and alimony.

Mr. Daniel who voted in the majority, moved to reconsider a vote given on the adoption of Mr. Jack's amendment to the bill to be entitled "an act limiting the duties of grand Jurors," which was lost.

Mr. Harris obtained leave to introduce a resolution proposing amendments to the constitution of Alabama; which was read a first time and ordered to be read a second time.

On motion of Mr. Greening *Resolved*, that the military committee be instructed to inquire into the expediency of reorganizing the department

Adjutant General of this state; and to report by bill or otherwise.

Mr. Coopwood moved to take from the table an engrossed bill to be entitled "an act incorporating the town of Courtland, in the county of Lawrence; which was carried: the bill was then read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bills of the following titles, to wit: an act to incorporate the Blakely and Greenville turnpike company. An act to authorise the commissioners of the sixteenth section of the first township, and eighth range west of the meridian of Huntsville, situated in the county of Lauderdale to lease said section for ninety nine years, renewable forever. An act to emancipate a certain slave therein named. An act to alter the boundary line between the counties of Shelby and Autauga, were severally read a third time and passed. Ordered that their titles be as aforesaid. Ordered the same be sent to the Senate for their concurrence.

A bill to be entitled "an act to emancipate certain slaves therein named," was then under consideration.

Mr. Clark moved that the bill lie on the table until the 20th of December next: which was carried. Yeas 40—nays 21. The yeas and nays being required, those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Bell Bradford Brown Broadnax Bonnell Clark Colgin Collier Conner Craig Daniel Durrett Ellis Edmondson Forrest Greening Higgins Jack Kelly M'Vay of Laud. Massey M'Rae of Mon. Moore of Jack. Moore of Mad. Perkins Price Rainey Rather Richardson Robertson Russell Sharp Sibley Smith of Clark, Vining Ward Wiggins. 40.

Those who voted in the negative are Mr.

Brown Cook Coopwood Davis Dennis Duke Harris Lawler Lewis Martin M'Vay of Law. M'Rae of Frank. Ross Sargent Smith of Mad. Stone Terry Walker Walthal Weisinger—21.

A bill to be entitled "an act authorising Samuel B. Ewing, administrator of Thomas Ewing deceased, to sell and transfer certain real estate" was read a second time and ordered to be engrossed for a third reading. It being ten minutes past twelve o'clock, Mr. Massey moved that this House adjourn until tomorrow morning, nine o'clock: which was carried. Yeas 31—nays 30. The yeas and nays being required, those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Bradford Broadnax Bridges Bonnell Colgin Dennis Davis Duke Greening Jack Lawler Lewis M'Vay of Law. Massey M'Rae of Frank. Moore of Jack. Perkins Price Richardson Ross Russell Smith of Clarke, Smith of Mad. Stone Terry, Vaughan Walthal, Ward—31.

Those who voted in the negative are,

Mr. Bell Brown Clark Collier Conner Cook Coopwood Craig Daniel Durrett Ellis Edmondson Forrest Harris Higgins Kelly Martin M'Vay of Laud. Moore of Mad. Rainey Rather Robertson Sargent Sharp. Sibley, Terry, Vining Walker, Weisinger Wiggins—30. And then the House adjourned till tomorrow morning 9 o'clock.

SATURDAY, December 1, 1827.

The House met pursuant to adjournment.

Mr. Vining from the select committee to whom was referred the petition of sundry inhabitants of Madison county, praying an alteration in the mode of assessing taxes, Reported a bill to be entitled "an act to alter and amend the laws respecting the assessment of taxes and for other purposes," which was read a first time and ordered to be read a second time.

The committee ask leave to be discharged from the further consideration of that part of said petition which relates to the imprisonment of sheriffs and the ex officio compensation allowed sheriffs and clerks which was granted. *Ordered* that so much of said petition as relates to the imprisonment of sheriffs, and the ex officio compensation allowed sheriffs and clerks, be referred to the Judiciary committee.

Mr. Martin from the committee on propositions and grievances, to whom was referred the petition of William May and James Reynolds, praying to be relieved from the payment of part of the sum agreed by them to be given for the use of the ferry on the Alabama River, at the town of Cahawba, *Reported* that the prayer of the petitioners is unreasonable and ought not to be granted: in which report the House concurred.

Mr. Ellis presented the memorial of sundry inhabitants of Tuscaloosa county, praying the passage of a law to remove the seat of Justice to the lots in the town of Tuscaloosa set apart for that purpose by the General Government, which was read and referred to the committee on propositions and grievances.

A message from the Senate by Mr. Lyon.

Mr. Speaker:—The Senate concur in the resolution of your honorable body, appointing a Joint committee to examine the library of this state, and report its condition; and what, if any, regulations be necessary for the same, and have appointed a committee on their part consisting of Messrs. Barton, Casey and Jackson. They also concur in the resolution of your honorable body, inviting them to assemble in the representative Hall on to day at the hour of twelve o'clock, for the purpose of electing a Judge of the county court of St. Clair county. They have read three several times and passed bills which originated in their House, entitled, "an act for the relief of William W. Garrard; an act for the relief of Henry Box; an act to give Justices of the Peace, jurisdiction of certain contracts therein named; an act for the relief of Pleasant Wright, former jailor of Greene county; and an act to amend an act entitled an act excluding from suffrage, serving as jurors, and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors." In all of which they respectfully ask your concurrence. They have also passed a bill which originated in the House of Representatives, entitled "an act to provide for an extra term of the circuit court in Mobile county;" and then he withdrew.

Mr. Collier from the select committee to whom was referred a resolution of this House, directing them to draft a memorial to the Congress of the United States, praying that the federal Judiciary be extended to the state admitted into the Union since the last extension thereof, *Reported* a memorial to the Congress of the United States, praying an extension of the Federal Judiciary system: *Ordered* that said memorial lie on the table, and that sixty five copies thereof be printed for the use of this House.

Mr. Lawler from the select committee to whom was referred the petition of Benjamin Frost, praying the passage of a law to change the name of and legitimate a certain child therein named, *Reported* a bill to be entitled "an act to change the name of and legitimate a certain person therein named;" which was read a first time and ordered to be read a second time.

Engrossed bills from the Senate of the following titles, to wit: an act for the relief of William W. Garrard; an act for the relief of Henry Box; an



act for the relief of Pleasant Wright, former Jailor of Greene county: an act to give Justices of the Peace jurisdiction of certain contracts therein named: an act to amend an act entitled an act excluding from suffrage, serving as Jurors, and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors, were severally read a first time and ordered to be read a second time.

Mr. Ward obtained leave to introduce a bill to be entitled "an act to establish a permanent seat of Justice in the county of Henry;" which was read a first time and ordered to be read a second time.

A bill to be entitled "an act to repeal in part an act passed the 27th December, 1844, then being under consideration. Mr. Craig moved to amend the 2nd section, by adding after the word "property" the words "supposed to be;" which was adopted: the bill was then read a second time as amended, and ordered to be engrossed for a third reading.

A message was received from the Governor by James I. Thomson, secretary of State, which is as follows:

EXECUTIVE DEPARTMENT, November 30, 1847.

*The Honorable the Speaker,*

*and Members of the House of Representatives:*

GENTLEMEN:—I beg leave to inform your honorable body, that I have this day received the resignation of John A. Fitts, Esq. Judge of the county court of Washington county. I have the honor to be, most respectfully, Your obedient servant.

JOHN MURPHY.

And then he withdrew: which was laid on the table.

A bill to be entitled "an act to make the return days of the county court certain and uniform throughout the state," was read a second time, and engrossed for a third reading on Monday.

A bill to be entitled "an act to authorize the raising of ten thousand dollars for the purpose of improving the navigation of the Tennessee River, through Colbert's Shoals, and for building a bridge across Shoal Creek," was on its second reading laid on the table.

A bill to be entitled "an act to amend an act entitled an act to incorporate the town of Mooresville and for other purposes," passed the 16th day of November, 1848, was laid on the table.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act to incorporate the town of Florence; in the state of Alabama," was read a first time: Ordered that the bill lie on the table until Tuesday next.

A bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates where it may be for the benefit of the heirs. Mr. Kelly moved to amend the bill by adding thereto, sundry additional sections: the bill was then laid on the table.

Mr. Vining moved to add a member to the committee on schools, colleges and universities, and school and university lands: Ordered that Mr. Sibley be added to the committee on schools, colleges, and Universities and school and college lands.

A bill to be entitled "an act to repeal an act passed 23d December, 1824, concerning divorce, and for other purposes" was laid on the table.

A bill to be entitled "an act giving longer stays on executions from Justices of the peace, and a longer time for constables to return executions directed to them by a Justice of the peace," was on motion of Mr. Forrest referred to a select committee, consisting of Messrs. Forrest, Kelly, and Rather.

Mr. Greening obtained leave to introduce a bill to be entitled "an act—

amendatory of the common law as hereinafter provided:" which was read a first time and ordered to be read a second time on Monday next.

Mr. Russell obtained leave to introduce a bill to be entitled "an act to repeal the first section of an act entitled an act requiring the Judges of the circuit courts to alternate, and for other purposes;" which was read a first time.

Mr. Greening moved that the bill lie on the table—which was lost. The bill was then ordered to be read a second time on Monday next.

A bill to be entitled "an act to divide the twenty second regiment of the militia of this state," was referred to the military committee. A bill to be entitled "an act to authorise Justices of the Peace to take the probate of deeds and the relinquishment of dower," was read a second time and ordered to be engrossed for a third reading on Monday next. A bill to be entitled "an act to revise in part a certain act therein specified."—Mr. Craig moved that the bill lie on the table: which was lost—the bill was then read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled "an act to permit witnesses and jurors to cross the Alabama and Cahawba rivers at town of Cahawba, free of cost. Mr. Walker moved to amend the bill by adding thereto an additional section, which was carried. The bill was then, on Mr. Weisinger's motion, referred to a select Committee consisting of Messrs. Weisinger, Bridges, and Walker. A bill to be entitled "an act in relation to the state house at Cahawba. Mr. Craig moved that the bill be referred to a select committee: which was carried—the bill was then referred to a select committee consisting of Messrs. Craig, Walker, Tarver, Sharp, and Broadnax. A bill to be entitled "an act to prohibit the importation of slaves into this state for sale or hire," was referred to the committee on propositions and grievances. A bill to be entitled "an act to change the mode of issuing process by Justices of the Peace in civil cases," was on motion of Mr. Terry, referred to the Judiciary committee.

Mr. Smith of Mad. offered the following resolution: *Resolved* that the committee on the State Bank, be instructed to inquire into the expediency of changing the time of payment from the first of January to the first of April, on all sums hereafter loaned from the said bank. Mr. Vining moved that the resolution lie on the table: which was carried.

Engrossed bill from the Senate entitled "an act for the relief of William Ferguson," was referred to a select committee consisting of Messrs. Daniel, Jack, and M'Vay of Law.

A bill to be entitled an act the more effectually to secure the compensation of Jurors, was referred to a select committee consisting of Messrs. Greening, Smith of Clarke, Walker, Craig and Anderson, to consider and report thereon. Engrossed bill to be entitled "an act limiting the duties of Grand Jurors," was read a third time, and the question being put, shall this bill pass? was determined in the affirmative. Yeas 33—nays 29. The yeas and nays being desired, those who voted in the affirmative are

*Messrs. Acklen Anderson Bradford Brown Broadnax Bridges Bonnell Clark Colgin Conner Cook Craig Daniel Dennis Duke Ellis Forrest Higgins Jack Kelly Lewis Massey M'Rae of Frank. Moore of Jack. Price Robertson Sargent Tarver Terry Vaughan Ward Weisinger Wiggins—33*

Those who voted in the negative are

*Mr. Speaker, Bell Collier Chopwood Davis Durrett Edmondson Green, and Harris Lawler Martin M'Vay of Land. M'Vay of Law. M'Rae of*

*Mon. Moore of Mad. Perkins Rainey Rather Richardson Ross Russell Sharp Sibley Smith of Clark, Smith of Mad. Stone Vining Walker Walthall—29*

The bill was then passed: *Ordered* that the title be as aforesaid: *Ordered* the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled "an act authorising Samuel B. Ewing administrator of Thomas Ewing deceased, to sell and transfer certain real estate;" which was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

On motion of Mr. Bridges. *Resolved* that the Senate be informed that the House of Representatives is now ready to receive them in the Representative Hall, in pursuance of a resolution of the Houses.

Mr. Moore of Ja. k. who voted in the majority, moved to reconsider a vote given on the passage of a bill entitled "an act limiting the duties of grand Jurors."

A message from the Senate by Mr. Crabb.

*Mr. speaker:—*The Senate have read three several times and passed a bill to be entitled "an act providing a more summary mode for the trial of persons charged with the commission of affrays and assaults and batteries. And a memorial to the Congress of the United States to postpone the sales of the public lands in the Cahawba and Tuscaloosa districts till the year 1822: in both of which they ask the concurrence of your honorable body. And then he withdrew.

Engrossed bill from the Senate entitled "an act providing a more summary mode for the trial of persons charged with the commission of affrays and assaults and batteries." was read a first time and ordered to be read a second time on Monday next.

Mr. Ross moved that another member be added to the committee on apportionment: which was lost.

Mr. Massey presented the petition of sundry inhabitants of St. Clair county, recommending Polydore Naylor to be a fit and proper person to be Judge for said county: which was read and laid on the table.

Mr. Greening presented the petition of sundry inhabitants of Conecuh county, praying the right of controlling a certain mill pond in said county at certain seasons of the year; was referred to a select committee consisting of Messrs. Greening, Cook, and Dennis, to consider and report thereon.

The Senate having repaired to the Hall of the House of Representatives both Houses then proceeded to the election of a Judge of the county court of St. Clair county: John H. Garrett, James L. Lewis, and Polydore Naylor being in nomination. For John H. Garrett, 41—For James L. Lewis, 33—For Polydore Naylor 1.

Those who voted for Mr. Garrett are,

Mr. Abercrombie, Barton, Casey, Crabb, Earle, Evans, Irwin, Jones, and Sullivan of the Senate. Messrs. Acklen, Anderson, Bell, Brown, Bridges, Bonnell, Collier, Cook, Coopwood, Davis, Dennis, Ellis, Forrest, Harris, Jack, Kelly, Lewis, M'Vay of Law, M'Rae of Mon. Moore of mad. Perkins Price, Rainey, Rather, Ross, Russell, S. Jey, Smith of Clarke, Stone, Vining, Ward, Wiggins.—41.

Those who voted for Mr. Lewis are,

Mr. President, Ashe, Brown, Hubbard, Jackson, M'Camy, Merriwether, Moore Powell, Skinner, of the Senate. Mr. Speaker, Bradford, Broadnax, Clark, Colgin, Conner, Craig, Daniel, Durrett, Duke, Ed-



mondson, Greening, Lawler, Martin, M'Vay of Loud, Massey, M'Rae of Frank, Moore of Jack, Richardson, Robertson, Sargent, Sharp, Smith of mad, Tarver, Terry, Vaughan Walker, Walthall, Weisinger.—39.

Those who voted for Mr Naylor or Mr Higgins—1.

John H Garrett having received a majority of votes, Mr. Speaker therefore declared him duly elected judge of the county court of St. Clair county.

And then the House adjourned until Monday morning, nine o'clock

MONDAY, December 8, 1847,

The House met pursuant to adjournment.

Mr. Cook presented the petition of sundry inhabitant of Butler county, praying the repeal of the act allowing Greenville a Justice of the peace & passage of a law limiting justices of the peace to their respective captains districts; which was read & referred to a select committee consisting of Messrs. Cook, Greening, and Sibley.

r. Clark presented the account of James S. Porter, which was read and referred to the committee on accounts.

Mr. Clark obtained leave to introduce a bill to be entitled "an act to compel solicitors to reside within their respective circuits;" which was read a first time and ordered to be read a second time tomorrow.

Mr. Collier obtained leave to introduce a bill to be entitled "an act to permit suits to be instituted against free holders in certain cases out of the county of their freehold and residence;" which was read a first time and the question being put, shall the bill be read a second time? it was determined in the negative.

Mr. M'Vay of Law obtained leave to introduce a bill to be entitled "an act supplementary to an act entitled an act concerning executions and sales by sheriffs and for other purposes;" which was read a first time and ordered to be read a second time.

Mr. Terry moved to take from the table a bill to be entitled "an act to authorize the raising of ten thousand dollars for the purpose of improving the navigation of Tennessee river; through Colbert's shoals; and building a bridge across Shoal Creek;" which was carried. The bill was then referred to a select committee, consisting of Messrs. Aiken, Craig M'Rae of Frank, Moore of mad, and Terry, to consider and report thereon.

Mr. M'Rae of Frank, offered the following preamble and resolution:

Whereas it is a matter of vital importance to the agricultural as well as the commercial interests of the northern section of this state, that the obstacles in Colbert's Shoals, be removed as well to admit the importation of northern produce as southern and foreign articles, Resolved that a committee be appointed to inquire into the necessity of adopting some measure to be recommended to this legislature, to accomplish an object so desirable to repeal or amend an act passed at the last session to incorporate the Muscle and Colbert Shoals canal company; which was adopted. The resolution was then referred to a select committee, consisting of Messrs. M'Rae of Frank, Rather, Kelly, Martin, Craig, and Coopwood, to consider and report thereon.

Mr. Rather obtained leave to introduce a bill to be entitled "an act to repeal the second proviso of the seventh section of an act to regulate the licensing of Physicians to practice; which was read a first time and ordered to be read a second time.

Mr. M'Rae of Frank offered the following resolution: Resolved that the military committee be requested to inquire into the expediency of

ing practising Physicians from military duty from the month of June until the month of November: which was lost.

The House then resumed the consideration of Mr. Moore's of Jacksonville motion to reconsider a vote given on the passage of a bill to be entitled "an act limiting the duties of grand Jurors:" which was carried. Yeas 37—nays 21. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen, Bell, Collier, Conner, Cook, Davis, Durrett Duke Ellis Edmondson, Greening Harris, Lawler, Martin, M'Vay of Land, M'Vay of Law, M'Rae of Mont. Moore of Jack. Moore of Mad. Perkins, Prior, Ramsey, Risher, Richardson, Ross, Russell, Sharp, Sibley, Smith of Mad. Stone, Young, Walker, Walthal, Wiggins—37.

Those who voted in the negative are,  
Mr. Anderson, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Craig, Daniel, DeLoach, Higgins, Jack, Massey, M'Rae of Frank. Sargent, Tarver, Terry Vaughan Walsh, Wessinger—21.

Mr. Walthal then moved that the bill lie on the table till the first day of June next: which was carried. Yeas 51—nays 28. The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Anderson, Davis, Durrett, Ellis, Edmondson, Forrest, Greening, Harris, Lawler, Martin, M'Vay of Land, M'Vay of Law, M'Rae of Mont. Moore of Jack. Moore of Mad. Perkins, Prior, Ramsey, Risher, Russell, Sharp, Sibley, Smith of Mad, Stone, Young, Walker, Walthal, Wiggins—51.

Those who voted in the negative are,  
Mr. Anderson, Acklen, Bridges, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Conner, Cook, Craig, Daniel, DeLoach, Duke, Ellis, Jack, Lewis, Massey, M'Rae of Frank. Sargent, Tarver, Terry, Vaughan, Walsh, Wessinger—28.

Engrossed bill from the Senate entitled "an act providing a more summary mode for the trial of persons charged with the commission of forays and assaults and batteries." Mr. Smith of Clarke moved that the further consideration thereof be indefinitely postponed: which was lost. Yeas 19—nays 41. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen, Bonnell, Collier, Conner, Cook, Greening, Harris, Jack, Lewis, M'Rae of Mont. Perkins, Sibley, Smith of Clarke, Tarver, Young, Walker, Walthal, Wiggins—19.

Those who voted in the negative are,  
Mr. Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Craig, Daniel, DeLoach, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Kelly, Lawler, Martin, M'Vay of Land, M'Vay of Law, M'Rae of Frank. Sargent, Moore of Jack. Moore of Mad. Perkins, Risher, Russell, Sharp, Sibley, Smith of Mad. Stone, Terry, Vaughan, Walsh, Wessinger—41.

Mr. Kelly then moved that the bill lie on the table: which was carried.

Engrossed memorial from the Senate to the Congress of the United States to postpone the sales of the public lands in the Cahawba and Tallapoosa districts till the year 1829. was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr. Walthal then moved that the memorial be referred to a select committee: which was lost.

Mr. Collier then moved to amend the memorial by way of the following engrossed rider. Resolved further, that our members in Congress be requested to wait on the President and ascertain from him his intention in regard to the postponement of said sales, before they lay this memorial before Congress: which was adopted. And the question being put, shall this memorial as amended be read a third time forthwith, and passed? it was determined in the affirmative—yeas 56—nays 4. The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Cook, Craig, Daniel, DeLoach, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Jack, Lewis, Massey, M'Rae of Frank. Sargent, Tarver, Terry, Vaughan, Walsh, Wessinger—56.





tion thereof.

Mr. Rather moved to amend the resolution by striking out after the word "Monday" and before the word "in" the word "and day following" which was adopted. The resolution was then laid on the table & sixty four copies ordered to be printed for the use of this House.

A bill to be entitled "an act to alter and amend the laws respecting the assessment of taxes and for other purposes;" was, on motion of Mr. Thibault referred to the committee on ways and means. A bill to be entitled "an act to establish a permanent seat of Justice in the county of Henry."

Mr. Greening moved to amend the bill by way of the following provisions: "Provided that if any tickets be not be endorsed as required by this act, same shall not be counted. And provided further that the said county of Henry County shall advertise said election at the different election precincts in said county at least fifteen days before the next general election which was adopted. The bill was then read as amended a second time and ordered to be engrossed for a third reading on tomorrow.

A bill from the Senate entitled "an act for the relief of William C. Craig." Mr. Craig moved to amend the bill by striking out the word "Craig" and insert in lieu thereof "mine" which was adopted. Mr. Craig then moved that the bill lie on the table: which was

A bill from the Senate entitled "an act to amend an act entitled 'an act excluding from suffrage, serving as Jurors, and holding office persons as may be convicted of bribery, forgery, perjury, & other crimes and misdemeanors.' Mr. Ross moved that the bill be referred to the Judiciary committee: which was carried.

A bill from the Senate entitled "an act to give Justices of the Peace jurisdiction in certain contracts therein named." Mr. Ellis moved that the bill be referred to the Judiciary committee: which was carried.

A bill from the Senate entitled "an act for the relief of Pleasant Wright, former Jailor of Greene county." Mr. Greening moved to amend the second section of the bill which was carried. The bill was then read as amended a second time and ordered to be read a third time.

A bill from the Senate entitled "an act for the relief of Henry B. Green" was read a second time, and ordered to be read a third time.

A bill to be entitled "an act to repeal the first section of an act entitled 'an act requiring the Judges of the circuit courts to alternate, and for other purposes.'" Mr. Walker moved that the bill be referred to the Judiciary committee: which was carried.

A bill to be entitled "an act amendatory of the common law as herein-after provided." Mr. Greening moved to refer the bill to the Judiciary committee: which was carried.

Bills of the following titles, to wit: an act to change the name of, and legitimate a certain person therein named: an act to divorce William Travis from Elizabeth Travis: an act to divorce William O. Russell from Nancy G. Russell: and act to divorce Joseph Cadole from Nancy Cadole: an act to divorce Abraham Danner from Anna Danner: an act to divorce Elizabeth W. Cowell from Samuel Cowell: were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled "an act to divorce Peggy Seay from Nicholas Seay." Mr. Rather moved that the bill lie on the table, which was lost.

The bill was then read a second time and ordered to be engrossed for a third reading.

Mr. Lawler from the select committee to whom was referred the petition of Ansel Sawyer, praying the passage of a law authorising him to build a mill on the Coosa river. *Reported* a bill to be entitled an act to authorise Ansel Sawyer to erect a mill on Coosa river; which was read a first time and ordered to be read a second time on tomorrow.

And then the House adjourned until tomorrow morning 10 o'clock.  
TUESDAY, December 4, 1838.

The House met pursuant to adjournment.

Mr. Vining presented the accounts of Fielding L. White, Jailor of Madison county, which were severally read and referred to the committee on accounts.

Mr. Harris presented the petition and accounts of the former adjutant General; which were severally read and referred to the committee on propositions and grievances.

Mr. Rainey presented the petition of sundry inhabitants of Greene county: praying the passage of a law to change the route of the state road running through said county: which was read and referred to the committee on roads, bridges, and ferries.

Mr. Greening from the judiciary committee to whom was referred the presentments of the grand Jurors of Clark and Marengo counties, asked leave to be discharged from the further consideration of the subject which was granted.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of revising, consolidating, and reuniting into one, the several acts now in force on the subject of the probate of wills and granting letters of administration. *Reported* that it is inexpedient to legislate on the subject. In which report the House concurred.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to authorise the sheriff of Walker county to execute precepts issued by Justices of the peace." *Reported* the following amendment: after the word "cases" and before the word "be" the words "and subject to the same remedies prescribed by law against constables for neglect of duty and" in which amendment the House concurred.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act for the more speedy trial of chancery cases." *Reported* the bill with an amendment of two additional sections: which amendments were concurred in by the House.

Message from the Senate by Mr. Lyon.

*Mr. Speaker:*—The Senate have read a third time and passed a bill which originated in their House entitled "an act to revive and continue in force an act entitled an act to provide for the choosing electors of President and Vice President of the United States, passed December, the 26th 1823: in which they desire your concurrence. They have also passed bills which originated in the House of Representatives, entitled an act better to secure the benefit of the laws exempting certain property from execution to poor families of this state: and an act to repeal in part and amend the several acts now in force relative to the port and harbor of Mobile and have amended the latter bill by adding thereto two additional sections in which amendment they desire your concurrence. And then he withdrew.

Engrossed bill to be entitled "an act to repeal in part and amend the several acts now in force relative to the port and harbor of Mobile" was, laid on the table.

Mr. Greening from the Judiciary committee to whom was referred so much the Governor's message as relates to the Tombeckbe Bank, and the revision of the criminal code, asked leave to be discharged from the further consideration of the same, which was granted.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of authorizing the taking of the testimony of witnesses within this state by deposition. Reported a bill to be entitled "an act to provide for taking depositions in certain cases."

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act compelling clerks of circuit and county courts to calendar the trial causes in their respective courts. Reported the following amendments: strike out the words "twenty five" in the tenth line of the first section and insert "ten;" and in the same section strike out the word "thirty" and insert two additional sections;" which several amendments were concurred in by the House.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law giving jurisdiction of offences in cases of assaults and batteries to Justices of the peace, asked leave to be discharged from the further consideration of the subject, which was granted.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act relative to offsets before Justices of the peace" Reported an additional section as an amendment; which was concurred in by the House.

Mr. Greening from the Judiciary committee to whom was referred a petition of sundry inhabitants of Madison county praying the passage of a law to imprison Sheriffs in certain cases. Reported that it is inexpedient to legislate on the subject: in which report the House concurred.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to change the mode of issuing process by Justices of the peace in civil cases. Reported the following amendments: strike out all after the word "defendant" in the fifteenth line and insert the following; "put in on oath denying that the process is returnable to the district in which he resides, and that the debt or demand was not contracted in the district in which the process is returnable, which plea the plaintiff may traverse and under which issue the testimony of both parties may be received with such additional testimony as either party may think proper to introduce, provided that nothing in this section contained shall be so construed as to relate to attachments, and by adding thereto an additional section;" in which amendments the House concurred.

Mr. Greening from the Judiciary committee to whom was referred so much of the Governor's message as relates to the trial of slaves, Reported it inexpedient to legislate on the subject. Ordered that said report lie on the table.

Mr. Vining from the committee on schools, colleges, and universities, and school and university lands to whom was referred a resolution of this House instructing them to inquire into the expediency of memorializing the Congress of the United States on the subject of the 16th sections in



each township which are now valueless and of asking the Congress of the United States to permit the inhabitants of each township, in which there are no inhabitants in the township, then the Judge and commissioners of the county court to enter with the register at the land office with the district in which said valueless section may be situated, one section of land instead of such valueless section, and that the reverse taking therefrom may be applied and be under the control of the inhabitants of the township for which the same may be entered; and in case of the inhabitants, then to be supported by such lands as may be established within the county, in which said valueless section may be situated, under the directions of the said Judge and commissioners of the county court. The joint resolution in relation to an exchange of six marshy tracts which was made at this time and ordered to be read and considered.

Mr. Bland introduced a bill to be entitled "An act to provide for the payment of the interest of the national debt from the land and other property of the Government, and to provide for the payment of the interest of the national debt, which was read a first time and ordered to be read a second time.

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*Price Rainey Rafter Sibley, Smith of Clark, Vaughan and Vining—28.*

On motion of Mr. Jack *Resolved* that the Judiciary committee be instructed to inquire into the expediency of passing a law prescribing the manner in which answers to bills in chancery shall be sworn to and authenticated in our sister states, in order that they may be received as evidence in this state.

Mr. Walker offered the following amendment: and the mode of authenticating answers of private corporation in and out of this state, which was adopted.

Mr. Hamblight declined to introduce a bill to be entitled "an act to amend and amend an act entitled an act to regulate the rate of interest passed December 17th 1819" was read a first time and the question being put, shall this bill be read a second time? it was determined in the affirmative.

Mr. Young moved to take from the table a bill to be entitled "an act to amend an act to give justices of the peace and justices of the peace."

Mr. Young moved to take from the table an engrossed bill to be entitled "an act to amend an act to give justices of the peace and justices of the peace." The bill was then read a second time and ordered to be read a third time.

Mr. D. moved to leave to introduce a bill to be entitled "an act to amend an act to give justices of the peace and justices of the peace."

Mr. W. moved to leave to introduce a bill to be entitled "an act to amend an act to give justices of the peace and justices of the peace."

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ordered to be engrossed for a third reading.

A bill to amend the act to compel solicitors to reside within their respective parishes. Mr. Walker moved to amend the bill by way of the following proviso: *Provided that nothing in this act shall be so construed as to affect any solicitor then in office which was carried. Yeas 49—nays 7.* The yeas and nays being required, those who voted in the affirmative were—

Mr. Speaker, Golden Anderson, Bell, Bradford, Brown, Bridges, Bonnell, Clark, Collier, Connor, Cook, Craig, Davis, Dennis, Darrell, Duke, Ellis, Edwards, Greening, Harris, Higgins, Jack, Lawler, Martin, M'Vay of Land, M'Vay of Lake, Massy, Moore of Jack, Moore of Mad, Perkins, Price, Ransom, Rother, Richardson, Robertson, Russell, Sargent, Sibley, Smith of Clark, Smith of Mad, Stone, Turner, Vaughan, Walker, Ward, Winchester, Higgins—49.

Those who voted in the negative were—

Mr. Davidson, M'Vay of Mon, M'Vay of Frank, Sharp, Terry, Vining, Walker—7.

The bill was then read a second time as amended, and ordered to be engrossed for a third reading.

A bill to amend the act to amend the several provisions of the seventh section of an act to regulate the practice of Physicians to practice was laid on the table.

A bill to amend the act to amend the several provisions of the seventh section of an act to regulate the practice of Physicians to practice was laid on the table. The bill was then read a third time and passed. Ordered that the clerk engross the same for a third reading.

Engrossed bill to amend the act to divorce Joseph Cadole from Nancy Cadole was read a third time and the question being put, shall this bill pass, it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 49—nays 7. Those who voted in the affirmative were—

Mr. Speaker, Golden Anderson, Bell, Bradford, Brown, Bridges, Bonnell, Clark, Collier, Connor, Cook, Craig, Davis, Dennis, Darrell, Duke, Ellis, Edwards, Greening, Harris, Higgins, Jack, Martin, M'Vay of Land, M'Vay of Lake, Massy, Moore of Jack, Moore of Mad, Perkins, Price, Ransom, Rother, Richardson, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Mad, Stone, Turner, Terry, Vining, Walker, Ward, Winchester, Higgins—49.

Those who voted in the negative were—

Mr. Hale, Higgins, Lawler, Vaughan, Higgins—7.

Ordered that the bill be so amended. Ordered that the same be sent to the Senate for their consideration.

Engrossed bill to amend the act to divorce Peggy Bray from Nicholas Bray was read a third time and the question being put, shall this bill pass, it was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 49—nays 6. Those who voted in the affirmative were—

Mr. Speaker, Golden Anderson, Bell, Harris, Bradford, Bridges, Bonnell, Clark, Collier, Connor, Cook, Craig, Davis, Dennis, Darrell, Duke, Ellis, Edwards, Greening, Harris, Higgins, Jack, Martin, M'Vay of Land, Massy, M'Vay of Mon, M'Vay of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Ransom, Rother, Richardson, Robertson, Russell, Sargent, Sharp, Stone, Turner, Terry, Vining, Walker, Ward, Winchester, Higgins—49.



of Clarke, Smith of mad. Stone Tarver Terry Vining Walker Walthal Ward Wiggins—49.

Those who voted in the negative are,

Mr. Bradford, Dennis, Duca, Lucier, M'Vay of Land. Weisinger—6.

Ordered that the title be as aforesaid. Ordered that the same be sent to Senate for their concurrence.

Engrossed bill to be entitled "an act to divorce William Travis from Elizabeth Travis," was read a third time and the question being put shall this bill pass? it was determined in the negative; there not being a constitutional majority voting in favor of its passage. Yeas 23—nays 22.

Those who voted in the affirmative are

Messrs. Acklen, Bonnett Clark Collier Cook, Dennis Durrett Ellis Forrest, Edmondson Greening Harris Higgins Lewis Martin, M'Vay of Law. M'Rae of Frank. Moore of Jack. Moore of Mad. Price, Rainey, Russell Sargent Sibley Stone, Tarver Terry Vining Walthal—28.

Those who voted in the negative are,

Mr. Speaker, Anderson. Brown Broadhax Colgin Conner Craig Daniel Davis Duke Jack Lawler, M'Vay of Law. Massey Perkins Rathe. Richard 301 Sharp Smith of Clarke, Ward Weisinger Wiggins—22.

Engrossed bill to be entitled "an act to divorce William O. Russell from Nancy G. Russell," was read a third time and the question being put shall this bill pass? It was determined in the affirmative, there being a constitutional majority voting in favor of its passage. Yeas 45—nays 7.

Those who voted in the affirmative are

Messrs. Speaker, Acklen Anderson Bradford Broadhax Clark Collier Conner Cook Craig, Daniel Davis Dennis Durrett Ellis Edmondson Forrest Greening Harris Higgins Lewis Martin M'Vay of Land. M'Vay of Law. Massey M'Rae of Frank. Moore of Jack. Moore of Mad. Price Rainey Rathe Richardson Robertson Russell Sargent Sharp Sibley Smith of mad. Stone Tarver Terry Vining Walthal Ward Wiggins—47.

Those who voted in the negative are,

Messrs. Brown Duke Jack Lawler Smith of Clarke. Vaughan Weisinger—7. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled "an act to divorce Abraham Danner from Anna Danner," was read a third time and the question being put, shall this bill pass? it was determined in the affirmative there being a constitutional majority voting in favor of its passage. Yeas 57—nays 2.

Those who voted in the affirmative are,

Messrs. Speaker, Acklen Anderson Bell Bradford, Brown, Broadhax, Bonnett Clark Colgin Collier Conner Cook Craig Daniel Davis Dennis Durrett Ellis Forrest Greening, Harris, Jack, Lewis, Martin, M'Vay of Land. M'Vay of Law. Massey, M'Rae of mon. M'Rae of Frank. Moore of Jack. Moore of Mad. Perkins Price Rainey Rather Richardson, Robertson Russell Sargent Sharp Sibley Smith of mad. Stone Tarver Terry Vining Walthal Ward Weisinger Wiggins—57.

Those who voted in the negative are,

Messrs. Lawler and Smith of Clarke—2.

Ordered that the title be as aforesaid. Ordered that the same be sent to Senate for their concurrence.

Mr. Jack who voted in the majority moved to reconsider the vote given on the passage of the bill to be entitled "an act to divorce William Travis from Elizabeth Travis" which was carried. The bill was then again put on its passage and the question being put shall this bill pass?

it was determined in the affirmative, there being a constitutional majority in favor of its passage. Yeas 51—nays 2. Those who voted in the affirmative are

Mr. Speaker Acklin Anderson Bell Bradford Broadnax Bonnell Clark Connor Cook Craig David Davis Dennis Durrett Ellis Edmund Forrest, Greening, Higgins, Jack, Lewis Martin M'Vay of Mass. M'Vay of La. Massey, M'Rae of Mont. M'Rae of Frank. Moore of Mont. Moore of Ind. Price Rainey Risher Richardson Roberson Russell of S. C. S. P. S. Smith of Clarke, Smith of Ind. Stone, Tarver Terry Young Walker Walball Ward Wiggins—51.

Those who voted in the negative are,  
Mr. Drake, Lawler and Weisinger.

Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Speaker—A bill was read a third time and the question being put, "Shall the bill pass?" was determined in the affirmative; a constitutional majority being present in its passage. Yeas 48—nays 4. Those who voted in the affirmative are,

Mr. Speaker Acklin Anderson Bell Bradford Broadnax Bonnell Clark Connor Cook Craig, David, Davis, Durrett Ellis Forrest, Greening, Higgins, Jack, Martin, M'Vay of Mass. M'Vay of La. Massey, M'Rae of Mont. M'Rae of Frank. Moore of Mont. Price Rainey Richardson Risher Russell Sargent Sibley Smith of Cal. Smith of Ind. Stone, Tarver, Terry, Young, Walker, Walball, Ward, Wiggins—48.

Those who voted in the negative are,

Mr. Drake, Lawler, M'Vay of La. and Weisinger.

Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Walker announced he will introduce a bill to be entitled "an act to reimburse the salary of the state house in the town of Cahawba;" which was read a first time and ordered to be read a second time.

And then the House adjourned until tomorrow morning 10 o'clock.

WEDNESDAY, December 5, 1827.

The House met pursuant to adjournment.

Mr. Smith of Clarke, presented the record and proceedings of the circuit court of that county exercising chancery jurisdiction in the case of *Parmenter Courcy* against *James Courcy*, for divorce which was read and referred to the committee on divorce and alimony.

A message from the senate by Mr. Lyon.

Mr. Speaker—The senate concur in the amendment made by your honorable body to the memorial to the congress of the United States, requesting a postponement of the sales of the public lands in the Tuscaloosa and Calhoun districts. They have passed a bill which originated in their House entitled "an act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office, in which they desire your concurrence. They have also passed bills which originated in the House of Representatives, entitled "an act prescribing the mode of commencing the contest of certain elections and of procuring evidence therein; and have amended the same by striking from the second line of the third section the word "verbally." Also, an act to provide for the arranging, filing, and preservation of the

papers relating to the unfinished business of each session of the legislature and have amended the same in the manner herewith shown; in which amendments they desire your concurrence. They have also passed a bill which originated in the House of Representatives entitled an act to authorise the commissioners of the 10th section of the first township and 8th range west of the meridian of Huntsville, situated in the county of Lauderdale to lease said section for 9 years renewable forever. And then he withdrew.

Ordered that the House concur in the amendments made by the Senate to the bill entitled "an act to provide for the arranging, filing and preservation of the papers relating to unfinished business of each session of the legislature, by striking out the word 'numerical' and inserting the word 'alphabetical.'" Ordered that the House concur in the amendments made by the Senate, to the bill entitled an act prescribing the mode of commencing the contest of certain elections and of procuring evidence thereon; by striking out the word "verbal."

Mr. Rainey presented the petition of sundry inhabitants of Greene county praying a continuation of the state road running through said county; which was read and referred to the committee on roads, bridges and ferries.

Mr. Ross presented the account of James P. Bates, sheriff of Monroe county, which was read and referred to the committee on accounts.

Mr. M'Vay of Loud. presented the petition of Edwidge Mathews praying the passage of a law to erect a toll gate on Byler's road; which was read and referred to the committee on Roads, bridges and ferries.

Mr. Jack presented the accounts of Henry Minor Esq. Clerk of the Supreme court, which was read & referred to the committee on accounts.

Mr. Ellis presented the petition of sundry inhabitants of Walker county praying the aid of the legislature in establishing the seat of justice in said county; which was read and referred to the committee on propositions and grievances.

Mr. Martin from the committee on propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of passing a special act authorising the sheriff of Greene county to expose for sale at Springfield in said county, all the property which may be levied on by said sheriff on the west side of the Warrior river. Reported a bill to be entitled "an act to authorise and require the Sheriff of Greene county to hold a separate sale day at Springfield in said county" which was read a first time and ordered to be read a second time.

Mr. Moore from the committee on the state Capitol to which was referred the report of the commissioners for superintending the erection of the state Capitol, have had under consideration the expediency of adopting a plan for the state Capitol, different from the plan adopted at the last session of the General Assembly, and that they might obtain more correct information, called to their assistance William Nichols, the architect employed to superintend the building of the state Capitol. Reported that they are of opinion after as thorough examination as they were enabled to bestow on a subject of that nature, that a plan herewith submitted furnished and recommended by the said architect, is much preferable to the plan adopted at the last session, because in their opinion, a house erected on the plan herewith submitted, will be more convenient and better adapted to the purposes of a state House, than a house erected according to the plan heretofore adopted, and because according to the estim-



ates made out by the said architect and herewith submitted, and from other sources of information, they are of opinion that a house erected according to the said plan will be less expensive by nearly one half, than one erected according to the plan heretofore adopted, your committee therefore recommends the adoption of the plan herewith submitted for a state capitol, with a view to convenience and economy; and a repeal of any law or resolution of last session adopting a plan for a state House; and ask leave to be discharged from the further consideration of the report of the commissioners for superintending the erection of a state Capitol and the accompanying papers: which was granted. Order d that the said report be referred to a committee of the whole House at 2 o'clock this evening.

Mr. Smith from the select committee to whom was referred a resolution instructing them to inquire into the expediency of establishing a branch bank in this state in the Tennessee valley, Reported a bill to be entitled "an act to establish an office of discount and deposit of the bank of the state of Alabama in the northern part of this state; which was read a first time and ordered to be read a second time.

Mr. Moore of Mad. obtained leave to introduce a bill to be entitled "an act to alter and amend an act establishing the fees of the clerk of the Supreme court of errors and appeals passed December 12th 1818," which was read a first time and ordered to be read a second time.

Mr. Clarke obtained leave to introduce a bill to be entitled "an act to authorize the people of the county of Bibb to fix the permanent seat of justice in said county and for other purposes;" which was read a first time and ordered to be read a second time.

Mr. Moore of Jack. from the committee on the state capitol to which was referred a resolution instructing them to inquire and report to this House what would be the probable cost of the capitol if erected according to the plan adopted at the last session of the legislature ask leave to be discharged from the farther consideration thereof, because the House has received the information by a former report of your committee, which was granted.

Mr. Duke presented the petition of William H. Ragsdale praying the passage of a law extending the time for completing a turnpike road which was read and referred to a select committee consisting of Messrs. Duke, Craig and Perry.

On motion of Mr. Walker Resolved that the Comptroller of public accounts be instructed to inform this House whether the whole sum of money appropriated by an act passed January 14th 1826, for the purpose of defraying the expenses of transportation and other charges consequent on the removal of the Bank of the state of Alabama; and also for providing and fitting up a House in the town of Tuscaloosa suitable for the reception of the Bank aforesaid has been exhausted, if not to inform the House how much thereof has been.

Mr. Smith of Clarke, obtained leave to introduce a bill to be entitled "an act to repeal an act passed the 12th day of January, 1827, entitled an act to require additional services to be performed by the Judge of the first Judicial circuit in this state which was read a first time and ordered to be read a second time.

Mr. Moore from the committee on the state capitol to which was referred a resolution instructing them to direct the commissioners for the state capitol to desist from making further contracts in that behalf until they receive further instructions from the Legislature, have performed that duty.

Mr. Lawler presented the account of the sheriff of Shelby county which was read and referred to the committee on accounts.

On motion of Mr. Vining *Resolved* that the Judiciary committee be instructed to inquire into the expediency of compelling the circuit Judges to so arrange the state docket as to cause the persons confined in jail to be first tried or disposed of in such way that will prevent their being continued in prison against their will after the adjournment of court for want of time to try them.

Engrossed bill from the Senate entitled "an act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office" was read a first time. It was then ordered to lie on the table till Friday next.

On motion of Mr. Lawler *Resolved* that the Judiciary committee be instructed to inquire into the expediency of passing a law making it the duty of the clerks of the several courts in this state to pay the cost of witnesses in executions with leave to report by bill or otherwise.

On motion of Mr. Collier *Resolved* that the secretary of state be required to furnish this House a detailed statement specifying what property is owned by the state in the town of Canawba and its vicinity, the sum due for rent thereof, and by whom and whether it is well secured.

A bill to be entitled "an act to provide for the payment of that part of the revenue arising from tavern and retail licenses and houses of entertainment into the treasury of the counties respectively," was on motion of Mr. Martin referred to the committee on ways and means.

Engrossed bills from the Senate of the following titles, to wit: an act for the relief of Wm. Ferguson; an act to revive and continue in force an act entitled an act to provide for the choosing electors of President and Vice President of the United States, passed December 26th 1821; were severally read a second time and ordered to be read a third time.

A bill to be entitled "an act to repeal in part and amend an act to regulate the rate of interest passed December 17 1819," was referred to the Judiciary committee.

Engrossed bill from the Senate entitled "an act for the relief of William W. Garrard," was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Mr. Kelly presented the account of John Wood which was read and referred to the committee on accounts.

A bill to be entitled an act to appoint commissioners for the county of Dale and for other purposes, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to provide for taking depositions in certain cases was then under consideration. Mr. Martin moved to strike out the last proviso in the second section and substitute in lieu thereof the following proviso: *Provided* that the party, his agent or attorney wishing the personal attendance of the witness, before he shall have the right to demand the subpoena of the clerk, shall make oath before said clerk that he believes injustice will be done him without the personal attendance of the witness. A division of the question being called for. And then the House adjourned until half past two o'clock.

EVENING SESSION, Half past 2 o'clock.

The House met pursuant to adjournment.

The House then resolved itself into a committee of the whole on the report of the committee on the state capitol—Mr. Vining in the chair. For some time spent in the consideration thereof the committee rose.

and Mr. Speaker resumed the chair.

Mr. Vining from the committee of the whole reported a joint resolution adopting a plan for the state Capitol which was read a first time and ordered to be read a second time. The House resumed the consideration of Mr. Martin's amendment to the bill entitled "an act to provide for taking depositions in certain cases." The question was then on striking Yeas, which was carried, and then the question was upon the adoption of Mr. Martin's amendment, which was carried. The bill was then referred to a select committee consisting of Messrs. Kelly, Martin, Weisinger, Walker and Lewis.

Mr. Bridges moved to take from the table a bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates where it may be for the benefit of the heirs;" which was lost.

Mr. Harris presented the memorial of the Grand Jury of Washington county at the November term of the circuit court of said county in the year 1827, praying for passage of a law altering the mode of trying slaves charged with capital offenses, which was read and referred to a select committee consisting of Messrs. Harris, Terry, Lewis, Farver and Cook.

Mr. Harris moved to take from the table the report of the Judiciary committee on so much of the Governor's message as relates to the trial of slaves; which was carried. The report was then referred to the select committee to which was referred the memorial of the Grand Jury of Washington county.

Mr. Lewis from the committee on the state Bank, to whom was referred a resolution of the House of Representatives for instructing them to ascertain whether the President and Directors of the state Bank have determined to erect a banking house at Hillsboro for the same has progressed, and what amount of money has been expended on the same, and what amount will be necessary to complete it, and if any difference of opinion existed among said directors as to the prudence and expediency of erecting said building, to report the reason of each difference of opinion, and that the said committee be required to ascertain whether the President and Directors have any power to erect a banking house, and to purchase real estate for that purpose, and whether any necessity existed for the erection of said building, and that the President and directors be required to furnish the information contemplated by this resolution, beg leave respectfully to present to the House a transcript of the minutes of the board of Directors and likewise the reasons of a majority of the board for selecting the particular site on which the Banking House is located. The committee further report that they have not received any suggestions from the board or any other individual as to the prudence or expediency of erecting said building more than is contained in the documents herewith submitted. Fearing that were as the information required by the resolution has not been afforded the committee, they would reluctantly preclude any part of the Directors by an examination and decision on their power to erect such banking house, or the necessity which existed for said erection. The committee would therefore beg leave to submit the following resolution: *Resolved* that the committee on the state Bank be excluded from reporting to this House their opinion as to the necessity and prudence of the board of directors to erect a banking house, until they shall receive from said Directors a more full exposition of the powers on which they rely for erecting the same, and the necessity for such erection, and that the Directors be required to furnish





them to inquire into the expediency of so amending the militia law of this state, so as to fix by law the specific days of muster as well the days of holding their respective courts martial. *Reported* that it is inexpedient to amend the militia law. *Ordered* that the said report lie on the table.

Mr. Lawler from the committee on divorce and alimony to whom was referred the record of the circuit court of Montgomery county exercising chancery jurisdiction in the case of Benjamin D. Hassell against Mary Hassell for divorce, *Reported* a bill to be entitled "an act to divorce Benjamin D. Hassell from his wife Mary Hassell" which was read a first time and ordered to be read a second time.

A message from the Senate by Mr. Lyon.

Mr. Speaker:—The Senate disagree to the amendment made by your honorable body to the bill entitled "an act for the relief of Pleasant Wright, former jailor of Greene county, by striking out the second section." They have passed a bill which originated in their House entitled "an act relative to the satisfaction of executions" in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives entitled "an act authorising Samuel B. Ewing administrator of Thomas Ewing deceased to sell and transfer certain real estate, and have amended the same as herewith shewn; in which they ask your concurrence. And then he withdrew. *Ordered* that the House insist on their amendment to the bill entitled "an act for the relief of Pleasant Wright, former Jailor of Greene county," by striking out the second section of the bill. *Ordered* that the House concur in the amendment made by the Senate to the bill entitled "an act authorising Samuel B. Ewing, administrator of Thomas Ewing deceased to sell and transfer certain real estate by inserting the words "Schma or some neighboring town" in the first section of the bill.

Mr. Forrest from the select committee to which was referred a bill to be entitled "an act giving longer stays on executions from Justices of the peace, and a longer time for constables to return executions directed to them by a Justice of the peace, *Reported* as a substitute in lieu thereof a bill to be entitled "an act giving longer stays on judgments rendered by Justices of the Peace" which was read a first time and laid on the table.

Mr. Lawler from the committee on divorce and alimony to whom was referred the record of the circuit court of Connerly county exercising chancery jurisdiction in the case of Thomas L. Snowden against Tabitha Snowden for divorce, *reported* a bill to be entitled "an act to divorce Thomas Snowden from Tabitha Snowden; which was read a first time and ordered to be read a second time.

Mr. Lawler from the committee on divorce and alimony to whom was referred the record of the circuit court of Greene county exercising chancery jurisdiction in the case of Winney Gaines vs. Francis T. Gaines for divorce; *Reported* a bill to be entitled "an act to divorce Winney Gaines from her husband Francis T. Gaines," which was read a first time and ordered to be read a second time.

Mr. Weisinger from the select committee to whom was referred a bill permitting witnesses and Jurors to cross the Cahawba and Alabama rivers free of cost *Reported* the same without amendment. The bill was then read a second time and the question being put shall this bill be engrossed and read a third time? it was determined in the negative.

Mr. Duke from the select committee to whom was referred the petition of William H. Ragsdale, *Reported* a bill to be entitled "an act to amend

and explanatory of an act to authorise William H. Ragsdale and his associates to take place a road therein specified, passed 14th day of January 1825." which was read a first time and ordered to be read a second time.

A bill to be entitled "an act to establish an office of discount and deposit of the Bank of the State of Alabama in the northern part of this state." was laid on the table. Ordered that sixty four copies thereof be printed for the use of this House.

Mr. M'Way of Land from the joint committee on the part of this House to act with the committee appointed on the part of the Senate, to examine whether John Davis has safely kept and returned to the proper persons the state property that was entrusted to him by a resolution of the last General Assembly. Reported that they have made inquiry in relation to the property alluded to in the resolution, and can find no data by which they can comply with the requisition of the same, than the inventory furnished by Davis himself, which appears to have been taken on the 20th of January 1827, and your committee believe correctly taken, and the property delivered to the doorkeepers of the General Assembly as by him received. Ordered that said report lie on the table.

Mr. Roney from the select committee to whom was referred a resolution instructing them to inquire and report what compensation should be allowed Hiram Shortridge Esq. for services rendered this House. Reported a bill to be entitled "an act to compensate Hiram Shortridge Esq. for certain services rendered the Legislature of this state;" which was read a first time and ordered to be read a second time.

Mr. Massey obtained leave to introduce a bill to be entitled "an act to regulate the inspection of tobacco in this state;" which was read a first time and ordered to be read a second time.

Mr. Harris obtained leave to introduce a bill to be entitled "an act relative to sheriff's sales;" which was read a first time and ordered to be read a second time.

Mr. Ross moved to take from the table a bill to be entitled "an act to repeal in part and amend the several acts now in force relative to the port of harbor of Mobile;" which was carried. Ordered that the House concur in the amendments made by the Senate to said bill by adding thereto two additional sections.

On motion of Mr. Forrest Resolved that the Senate be invited to assemble in the Representative Hall on Tuesday next at 12 o'clock for the purpose of electing a state Treasurer, a Comptroller of public accounts, and an adjutant General, and that the east end of the Hall be assigned for their reception.

Mr. Forrest obtained leave to introduce a bill to be entitled "an act to revise and continue in force an act passed the 31st day of December 1822, entitled an act to incorporate the town of Jonesborough in the county of Jefferson;" which was read a first time and ordered to be read a second time.

Mr. Collier obtained leave to introduce a bill to be entitled "an act to amend an act to authorise clerks and magistrates to collect cost in certain cases;" which was read a first time and ordered to be read a second time.

Mr. Rather moved to take from the table the bill to be entitled "an act to repeal the second proviso of the seventh section of an act to regulate the licensing of Physicians to practice;" which was lost.

Mr. Collier moved to take from the table a memorial to the Congress.



of the United States on the subject of the extension of the Federal Judiciary system, so as to admit the states received into the union since the last extension thereof, to a participation of its benefits; which was carried.

Mr. Kelly moved that the further consideration thereof be postponed until tomorrow; which was carried.

Engrossed bill from the Senate entitled "an act relative to the satisfaction of executions," was read a first time and ordered to be read a second time. Engrossed bills from the Senate of the following titles, to wit: An act to revive and continue in force an act entitled an act to provide for the choosing electors of the President and Vice President of the United States, passed December 26th 1823, and an act for the relief of William Ferguson; were severally read a third time and passed. *Ordered* that the titles be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: An act to appoint commissioners for the county of De Kalb and for other purposes. An act to compel solicitors to reside within their respective circuits; an act to authorise Ansel Sawyer to erect a mill on Coosa river; were severally read a third time and passed. *Ordered* that the titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: An act to authorise the people of the county of Bibb to fix the permanent seat of Justice in said county, &c. for other purposes. An act to authorise and require the sheriff of Green county to hold a separate sale day at Springfield in said county. An act compelling clerks of circuit and county courts to calendar the trial causes to their respective courts. An act to change the mode of issuing process by Justices of the Peace in civil causes. An act for the more speedy trial of chancery causes. An act to authorise the Sheriff of Walker county to execute precepts issued by Justices of the peace. An act relative to officers before Justices of the peace were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled "an act to repeal an act passed the 14th day of January 1827, entitled an act to require additional services to be performed by the Judge of the first judicial circuit in this state," was referred to Judiciary committee.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act to incorporate the town of Florence in the state of Alabama," was read a second time and ordered to be read a third time.

A joint resolution in relation to an exchange of sixteenth sections, was laid on the table till Monday next. A joint resolution adopting a plan for the state Capitol was read a second time. Mr. Collier moved that the resolution be considered as engrossed—which was carried. It was then read a third time as engrossed and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

A bill to be entitled "an act to authorise the sale of the state House in the town of Cahawba then being under consideration. Mr. Tarver moved that the bill lay on the table until the first day of June next; which was carried.

Engrossed bill entitled "an act supplementary to an act entitled an act concerning executions and sales by sheriffs and for other purposes, passed December 20th 1820," was read a third time and the question being put shall this bill pass? It was determined in the affirmative. Yeas 49—nays 11. The yeas and nays being called, those who voted in the affirmative are

Messrs. Anderson, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Crenshaw, Daniel, Dennis, Durrett, Duke, Ellis, Forrest, Greening, Harris, Higgins, by Speaker, M. Vay of Loud., M. Vay of Law, Massey, M'Kee of Mon, M'Kee of F. N. K. Moore of Jack, Moore of Mad., Price, Ratney, Rather, Richard, Ross, Russell, Sargent, Smith of Clark, Smith of Mad., Stone, Tarver, Terry, Vaughan, Walker, Wal-  
ter, Vay, Weisinger - 42.

Those who voted in the negative are,

Messrs. Spruill, John Broadnax, Davis, Edmondson, Jack, Martin, Perkins, Robertson, Vay, Weisinger - 11.

*Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

A bill to be entitled "an act to alter and amend an act establishing the fees of the clerk of the Supreme court of errors and appeals passed December 12th 1867" was referred to the Judiciary committee.

Mr. Harris moved to take from the table a bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates where it may be for the benefit of the heirs," which was carried. The bill was then referred to a select committee consisting of Messrs. Bridges, Harris, Kelly, and Weisinger. And then the house adjourned to half past 9 o'clock tomorrow morning.

FRIDAY, December 7, 1867.

The House met pursuant to adjournment.

*Ordered* that Mr. Colgin have leave of absence from this House until Monday next.

Mr. Colgin presented the petition of Henry T. Anthony, clerk of the county of Washington, praying the passage of a law relieving him of a certain sum of money therein mentioned, and referred to a select committee consisting of Messrs. Broadnax and Perkins.

Mr. Colgin presented the memorial of James P. Bates and Samuel Roach, praying the passage of a law incorporating them and their associates in the Navigation Company, which was read and referred to a select committee.

Mr. Richardson have leave of absence until Monday next.

Mr. Broadnax presented the petition of John Wood praying the aid of the State for losses sustained, which was read. *Ordered* that the petitioning together with the accompanying documents be referred to a select committee consisting of Messrs. Forrest, Brown and Sargent.

Mr. Broadnax presented the petition of Adam Sheffield, praying an alteration in the law upon the subject of electing Justices of the Peace, which was read and referred to the Judiciary committee.

Mr. Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law authorizing Micajah Jones to erect a toll gate on the road leading from Elyton in Jefferson county; to Montevallo in Shelby county which was read and referred to a select committee consisting of Messrs. Lawler, Walker and Clark.

Mr. Acklen presented the memorial of William Kelly, praying compensation for services rendered the state, which was read and referred to a select committee, consisting of Messrs. Acklen, Moore of Mad. and Harris.

Mr. Bridges presented the petition of sundry inhabitants of Wilcox county praying the passage of a law to establish a road therein named; which was read and referred to the committee on roads, bridges and ferries.

Mr. Kelly from the committee on ways and means to whom was referred a bill to be entitled "an act to provide for the payment of that part of

the revenue arising from tavern and retail licences and houses of entertainment into the treasury of the counties respectively: Reported the bill without amendment.

Mr. Kelly from the committee on ways and means to which was referred so much of the Governor's message as recommended an increase of the salary of the Judges and Solicitors. Reported that it is inexpedient to make such increase at this time: in which report the House concurred.

Mr. Kelly from the committee on ways and means to which was referred a resolution instructing them to inquire into the propriety of changing the taxes on retail merchants, and by the taxes applicable to the amount of capital employed, to be assessed in the case of merchants, and license to be procured from the clerks of the county court. Reported that it is inexpedient to make the proposed change: in which report the House concurred.

Mr. Kelly from the committee on ways and means to which was referred a resolution instructing them to inquire into the expediency of taking some steps to ascertain upon what terms and conditions the government of the United States would dispose of our lands within the limits of this state, with a view to this state becoming a freeholder, and to leave to be discharged from the further consideration of the subject, and to recommend that the same be referred to the select committee appointed to draft a memorial to Congress on the subject of the public lands in this state: which was granted. Ordered that said resolution be referred to the select committee appointed to draft a memorial to the Congress of the United States on that subject.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of John H. Smith and the negro carrying documents. Reported that the prayer of the petitioner cannot be granted and ought not to be granted: in which report the House concurred.

Mr. Martin from the committee on propositions and grievances to whom was referred a resolution instructing them to inquire into the expediency of repealing the proviso in the act of incorporation of an act passed the 15th of January 1821, entitled "an act to incorporate the trustees of the slaves into this state for sale or hire," and to amend the said act so as to amend an act entitled "an act to prohibit the importation of slaves into this state for sale or hire," and to amend the said act so as to amend the same with sundry amendments. Mr. Terry moved that he should lay them on the table until they lie on the table till Thursday next, which was ordered.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of James H. Smith. Reported a bill to be entitled "an act for the relief of James H. Smith," which was read a first time and ordered to be read a second time.

Mr. Vining from the committee on education, colleges and universities and school and university lands, to which was referred a resolution of this House instructing them to inquire into the expediency of authorising the sale of the 16th sections in this state; and that the said committee be required to report by bill or otherwise, the best mode of ascertaining the sense of the inhabitants of the different townships as to the sale of the said sections, and to provide for the sale of the same if it should be so determined by the inhabitants, and for the lands arising from the sale thereof. Reported a bill to be entitled "an act to authorise the sale of the 16th sections and for other purposes," which was read a first time and the rule requiring bills to be read on three several days being dispensed with, it



was then read a second time forthwith, and referred to a committee of the whole House on Wednesday next, and 64 copies thereof ordered to be printed for the use of this House.

Mr. Vining from the committee on schools, colleges and universities, and school and university lands, to whom was referred the petition of James Wilson, Edmond Blankenship and John Ford of Madison county, in behalf of the inhabitants of township two, range one, east of the basis meridian of Huntsville, remonstrating against the sale of the 16th section, reported that inasmuch as said committee have reported a bill of a general nature on the subject of the 16th sections, and where the inhabitants of said township will hereafter have an opportunity to raise to sell, the committee therefore beg leave to be discharged from the further consideration of said petition: which was granted.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of providing by law a summary mode of enforcing the payment of bills of exchange and drafts due the Bank of the State of Alabama, reported a bill to be entitled "an act providing for the more speedy collection of debts due the Bank of the State of Alabama, and for other purposes;" which was read a first time and ordered to be read a second time on Monday next, and sixty four copies thereof ordered to be printed for the use of this House.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to provide for the support of paupers," reported the same without amendment.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to amend an act entitled an act excluding from suffrage, serving as Jurors and holding offices, such persons as the convicts of bribery, forgery, perjury, and other high crimes and misdemeanors," reported the bill without amendment.

Mr. Greening from the Judiciary committee to whom as referred a bill to be entitled "an accumulative of the common law as hereinafter provided," reported said bill without amendment.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to give Justices of the peace jurisdiction over certain contracts therein named," reported the same without amendment.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to provide for the choosing electors of President and Vice President of the United States," ask leave to be discharged from the further consideration of said bill. Ordered that the said report lie on the table.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to repeal the first section of an act entitled an act requiring the Judges of the circuit courts to alternate, and for other purposes: and have amended the same by striking out all after the enacting clause, and substituting another bill: which amendment was concurred in by the House. Yeas 50—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Atkin Anderson Brown, B. Annax Bonnell, Cook Dennis Duke, Ellis Greening, Harris, Higgins, Jack, Lawler, Lewis Martin M'Rae of Mon. M'Rae of Frank. Perkins Price Roberson Sharp, Sibley, Smith of Clarke, Stone, Tarver Terry Wallhal Ward Wiggins—50.

Those who voted in the negative are,



Mr. Vining moved to take from the table a bill to be entitled "An act to repeal an act passed 23d December 1824, concerning divorce and for other purposes," which was carried: The bill was then referred to a select committee consisting of Messrs. Vining, Smith of Clarke, & Lawler.

Mr. M'Vay of Laus. moved to take from the table a bill to be entitled "An act to reduce into one the several acts giving fees to Justices of the peace and constables?" which was carried. Mr. M'Vay of Laus. moved to amend the second section with the following: "for keeping and feeding a horse, beast, or mule, taken by attachment or execution for every 24 hours each 20 cents; for keeping and feeding cattle taken in execution by attachment, for every 24 hours, each 4 cents;" which was adopted. Mr. Greening moved to amend the bill by striking out the 3d section and inserting another in lieu thereof. Mr. Lewis then moved that the bill be referred to the Judiciary committee: which was carried.

A message from the Senate by Mr. Lyon.

Mr. Speaker.—The Senate concur in the amendment made by your honorable body to the bill entitled "an act for the relief of William W. Garrison." They have passed bills which originated in their House entitled "an act for the benefit of the Pikeville Library Company," and "an act to incorporate the Philomathian Society," in which they desire your concurrence. And then he withdrew.

Mr. Ross obtained leave to introduce a joint resolution requiring the comptroller of public accounts to furnish the tax collectors and county court clerks with a certified copy of the revenue laws of this state: which was read a first time and ordered to be read a second time.

A memorial to the Congress of the United States on the subject of the extension of the Federal Judiciary system, so as to admit the states received into the union since the last extension thereof to a participation of its benefits. Mr. Kelly offered the following amendment: "Your memorialists further shew that there is but little commercial intercourse between the northern and southern sections of Alabama, and when the Judge of the district court is withdrawn from the maritime district, where his presence is of great importance, to hold court in the northern district twice a year, a distance of three hundred miles or upwards, which circumstance has prevented the court in the northern district from being regularly held. These evils could find a suitable remedy in the appointment of a Judge for the northern district. This measure is rendered doubly important from the peculiar existing circumstances: the present district Judge is President of the Tombigbee Bank, which has failed within the present year. And your memorialists are informed and believe that the notes of the debtors of said bank to a large amount, perhaps four or five hundred thousand dollars, have been lately transferred to the United States, and will shortly be put in suit in the said district court, and the suits transferred for trial to Mississippi, Tennessee or Georgia, on account of the peculiar condition of the district Judge. Your memorialists cannot but view this proceeding as highly oppressive to a considerable number of the citizens of Alabama: without entering into the question of jurisdiction, your memorialists cannot but repeat that it is oppressive and unjust to send the defendants to another state to investigate that question as well as the other important questions involved in the controversy growing out of the laws of Alabama. Wherefore your memorialists pray the appointment of a district Judge for the northern district of Alabama, who will be competent to try said causes, especially if the circuit court sys-



tem shall not be extended to Alabama:" which was adopted. Mr. Collier offered the following amendment: *Resolved* that His Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing memorial; with a request to lay the same before Congress: which was adopted. Mr. Bridges moved to amend the memorial by striking out the word "must" for the purpose of inserting the word "should," which was carried. The memorial was then read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Walker *Resolved* that the Judiciary committee be instructed to inquire into the expediency of repealing so much of the law as makes it obligatory on a party to prove the allegations in his bill where the same may have been taken previous thereto.

On motion of Mr. Collier *Resolved* that the Judiciary committee be instructed to inquire into the expediency of providing a more speedy remedy on bonds given to any person bonds and to deliver in a schedule of property with a view to take an inventory of the same.

Mr. Yancey obtained leave to introduce a bill to be entitled "an act to declare void a certain rule of the Supreme Court," which was read a first time and ordered to be read a second time.

Mr. Keith obtained leave to introduce a bill to be entitled "an act to establish the principle of *res judicata* in certain cases in law and equity," which was read a first time and ordered to be read a second time.

Engrossed bills from the Senate of the following titles, to wit: an act for the benefit of the Princeton Literary Company; an act to incorporate the Summerville Philanthropic Society; were severally read a first time and ordered to be read a second time.

Engrossed bill to be entitled "an act to provide for making deductions from the salaries of public officers who may fail or neglect to perform the duties of their office," was referred to the Judiciary committee.

Engrossed bill entitled "an act to authorize the people of the county of Pickens to fix the permanent seat of Justice in said county and for other purposes," was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled "an act compelling clerks of circuit and county courts to enter the trial cases in their respective courts," was read a third time. Mr. Greening moved to amend the title of the bill by adding "and for other purposes," which was carried. The bill was then passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Speaker laid before the House a communication from the secretary of state, which was read. Ordered that the same together with the accompanying document, be referred to the committee on the state Capitol. And the House adjourned until tomorrow morning half past 9 o'clock.

Saturday, December 8, 1827.

The House met pursuant to adjournment.

Mr. Braddock presented the petition of sundry inhabitants of township 17, range No. 1, east of the meridian of Huntsville, praying the aid of the legislature on the subject of the 15th section in said township; which was read and referred to the committee on schools, colleges, and universities and school and university lands.

Mr. Vining from the committee on schools, colleges, and universities, and school and university lands, to whom was referred the petition of

sundry inhabitants of Bibb and Shelby counties, praying a donation to be made by the state for the purpose of securing a burying ground. *Reported* a bill to be entitled "an act to authorise James Mahan, William Lovelady, John Gardner, and Ranson Davis, to enter a certain quantity of university land, for the purposes therein mentioned;" which was read a first time and ordered to be read a second time on Monday next.

Mr. Martin from the committee on propositions and grievances, to whom was referred the memorial of Grantland & Robinson, praying to be allowed an additional sum of money to their salary as state printers. *Reported* that it is inexpedient to grant the prayer of the memorial. Mr. Moore or Jack, moved that the report lie on the table; which was lost. The report was then concurred in by the House.

Mr. Ellis from the committee on enrolled bills *Reported* that they have examined and found correctly enrolled bills of the following titles, to wit: A memorial to the Congress of the United States to postpone the sales of the public lands in Cahawba and Tuscaloosa districts till the year 1829, which memorial originated in the Senate. An act prescribing the mode of commencing the contest of certain elections and of procuring evidence therein. An act to repeal in part and amend the several acts now in force relative to the port and harbor of Mobile. An act authorizing Samuel B. Ewing administrator of Thomas Ewing deceased, to sell and transfer certain real estate. An act to authorise the commissioners of the 10th section of the first township and 8th range west of the meridian or Huntsville situated in the county of Lauderdale, to lease said section for 99 years renewable forever. An act to provide for the arranging, filing and preservation of the papers relating to the unfinished business of each session of the legislature which originated in this House.

Mr. Ross from the select committee to whom was referred the memorial of the Mayor and Aldermen of the city of Mobile, praying some aid from the state in the endowment of a humane charity hospital in said city, *Reported* a bill to be entitled "an act to aid in the endowment of a humane Charity Hospital in the city of Mobile;" which was read a first time and ordered to be read a second time on Monday next.

A message from the Senate by Mr. Cobb.

Mr. Speaker—The Senate insist upon their disagreement to the amendment made by your honorable body to the bill entitled "an act for the relief of Pleasant Wright former jailer of Greene county. They disagree to the amendment made by the House of Representatives to the bill entitled "an act for the relief of William Ferguson." The Senate concur in the resolution of your honorable body inviting them to assemble in the Representative Hall on Tuesday next at the hour of 12 o'clock for the purpose of electing a state Treasurer, a Comptroller of public accounts, and an adjutant General; and have amended the same by adding thereto the words "and also Solicitors of the 4th and 5th judicial circuits;" with a view of electing the solicitors at the same time; in which amendment they ask your concurrence. They have also passed a bill which originated in this House entitled "an act to amend an act to incorporate the town of Elyton in the county of Jefferson passed December 26th 1820;" in which they desire your concurrence. They have also passed by the constitutional majority, bills which originated in the House of Representatives entitled "an act to divorce Elizabeth W. Cowell from Samuel Cowell. An act to divorce Abraham Danner from Anna Danner. An act to divorce William O. Russell from Nancy G. Russell.

An act to divorce Peggy Seay from Nicholas Seay. An act to divorce Joseph Cadole from Nancy Cadole. An act to divorce Wm. Travis from Elizabeth Travis & have amended the latter, but by striking therefrom the words "and that the said William be restored to all the rights and privileges of an unmarried man;" in which amendment they ask your concurrence; and also "an act to change the name of legitimate a certain person therein named. And then he withdrew. *Ordered* that the House adhere to their amendment made to the bill entitled "an act for the relief of Pleasant Wright former jailor of Greene county. *Ordered* that the House insist on their amendment to the bill entitled "an act for the relief of William Feggerson. *Ordered* that the House disagree to the amendment made to the resolution proposing to go into the election of a state Treasurer, a Comptroller of public accounts, and an assistant General, by adding thereto the words "and also solicitors of the 4th and 5th Judicial circuits," with a view of electing the solicitors at the same time. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled "an act to divorce William Travis from Elizabeth Travis by striking out the words "and that the said William be restored to all the rights and privileges of an unmarried man."

A message from the Governor by James L. Thornton, secretary of state, which is as follows:

Executive Department, December 7th, 1827.

*The Honorable the Speaker,*

*and Members of the House of Representatives.*

GENTLEMEN—I beg leave to inform your honorable body that I have just received the resignation of John G. Crough, Esq. as a member of the board of Trustees for the first judicial circuit.

*I have the honor to be, and hope fully, your ob't servant,*

*Signed*

JOHN MURPHY.

And then he withdrew.

*Ordered* that the message lie on the table. Engrossed bills of the following titles, to wit: an act to repeal the first section of an act entitled an act requiring the Judges of the circuit courts to alternate; an act to authorise the Sheriff of Walker county to execute precepts issued by Justices of the peace; and to authorise and require the Sheriff of Greene county to hold a separate sale day at Springfield in said county; and, an act to divide the 12th regiment of the militia of this state were severally read a third time and passed. *Ordered* that the titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill entitled "an act for the more speedy trial of chancery causes," was then taken up. Mr. Forrest moved that the bill lie on the table until Tuesday next which was carried. Engrossed bill to be entitled "an act relative to offsets before Justices of the peace" was read a third time. Mr. Vaughan moved to amend the title of the bill by adding thereto "and for other purposes" which was carried. The bill was then passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Bridges from the select committee to whom was referred a bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates where it may be for the benefit of the heirs together with the proposed amendments. *Reported* the same without amendment, and in lieu of the proposed amendment *Reported* a separate bill to be entitled "an act concerning the estates of deceased



persons;" which was read a first time and ordered to be read a second time. The original bill then being under consideration, Mr. Craig moved to lay the same on the table, which was lost. Mr. Collier then moved to amend the bill by adding thereto an additional section, and two provisions, which were adopted by the House. Mr. Forrest then moved that it be referred to the judiciary committee; which was carried.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson passed December 20th. 1820," was read a first time and ordered to be read a second time on Monday next.

Engrossed bill to be entitled "an act to change the mode of issuing process by Justices of the peace in civil causes," was read a third time. Mr. Ellis then moved that the further consideration of the bill be indefinitely postponed: which was carried: yeas 31—nays 28. The yeas and nays being desired, those who voted in the affirmative are,

Edmundson Bridges, Clark Collier Conner Craig, Daniel D. D. Edmundson Forrest Jack, Lewis, Martin, M'Vay of Laud, Moore of Jack, Moore of mad. Perkins, Robertson Russell Sibley Smith of Clarke, Stone, Vining,

Those who voted in the negative are,

Broadax Bonnell Cook, Dennis, Greening Harris Higgins Kelly, Lawler, M'Vay of Laud, Rainey Rather Sargent Sharp Smith of mad. Tarver, Walker, Walthall, Weisinger, Wiggins—28

Mr. Ellis who voted in the majority moved to reconsider the vote taken on the passage of a bill entitled "an act relative to offsets before Justices of the Peace and for other purposes," which was carried. The bill then being under consideration, Mr. Ellis moved to amend the same by way of engrossed rider by adding after the word "dollars" the following: "and if the" overplus should exceed fifty dollars, then the Justice shall give judgment in favor of the defendant for cost; *Provided* the defendant will enter a credit on his claim for the amount of the plaintiff's demand, or give the plaintiff a receipt for so much: and *Provided* further, that no claim shall be allowed as a setoff, unless it belonged to the defendant at the time he was sued. Mr. M'Vay of Laud, moved to amend the bill by way of the following engrossed rider: "*Provided* that this act shall not take effect until the first day of July next: which was adopted. The bill was then passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled "an act relative to the satisfaction of executions," was then taken up. Mr. Kelly moved that the bill be referred to the Judiciary committee: which was carried.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act excluding from suffrage, serving as Jurors, and holding offices, such persons as be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors," was then taken up. Mr. Forrest moved that the further consideration thereof be indefinitely postponed: which was lost. The bill was then read a second time and ordered to be read a third time on Monday next.

Mr. Bridges offered the following resolution: Resolved that it is the opinion of this House that each county in this state is entitled, agreeable to the constitution, to at least one representative. Mr. Greening moved

that the resolution lie on the table till Monday next: which was carried.

Bills of the following titles, to wit: an act to amend and explanatory of an act entitled an act to authorise William H. Ragsdale and his associates to turnpike a road therein specified, passed 14th January 1826; an act amendatory of the common law as hereinafter provided: an act relative to sheriffs' sales: an act to revive and continue in force an act passed the 31st day of December, 1822, entitled an act to incorporate the town of Jonesborough in the county of Jefferson: a joint resolution requiring the Comptroller of public accounts to furnish the tax collectors and county court clerks with a certified copy of the revenue laws of this state: an act to amend an act to authorise clerks and magistrates to collect costs in certain cases: were severally read a second time and ordered to be engrossed for a third reading.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act to incorporate the town of Florence in the state of Alabama," was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

A bill to be entitled "an act to regulate the inspection of tobacco in this state," was referred to the select committee to whom was referred that part of the Governor's message which relates to agriculture.

Mr. Higgins presented the account of John Martin, sheriff of Montgomery county, which was read and referred to the committee on accounts. And then the House adjourned until Monday morning 10 o'clock.

MONDAY, December 10, 1827.

The House met pursuant to adjournment.

Mr. Craig from the committee on roads, bridges and ferries, to whom was referred the petition of Emory Mallard, *Reported* a bill to be entitled "an act authorising the heirs, representatives and associates of John Byler deceased, to erect a gate on the road known by the name of Byler's turnpike road," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack. from the committee on the state Capitol to which was referred a resolution authorising said committee to inquire into the expediency of annexing lots No. 128 and 129, in the plan of the town of Tuscaloosa to the capitol square, and if expedient to report the best method to obtain them a fee simple title, *Reported* that they are of opinion that the addition of said lots to the Capitol square is expedient and that the best method to obtain a sufficient title to lot No. 128 is to direct some process in the nature of a writ of *ad quod damnum*, because from the best information your committee has been able to obtain, William Lewis, the proprietor, from views of speculation, asks for said lot \$5,000, a sum far beyond its value. Your committee recommend the purchase of lot No. 129 as they are informed it may be had at a fair price; and to obtain a title to No. 128. *Reported* a bill to be entitled "an act to condemn a lot in the town of Tuscaloosa for the use of the state," which was read a first time and ordered to be read a second time tomorrow.

Mr. Bridges presented the petition of the Judge of the county court and commissioners of roads and revenue of Wilcox county, praying the passage of a law to refund to Wilcox county a certain sum of money therein mentioned out of the state Treasury; which was read and referred to the committee on accounts.

Mr. Greening from the Judiciary committee to whom was referred the petition of Adam Shuffield, *Reported* that it is inexpedient to legislate on

the subjects embraced in the petition; in which report the House concurred.

Mr. Greening from the Judiciary committee to whom was referred the petition of sundry inhabitants of Lauderdale county praying the passage of a law modifying the punishment for the crime of forgery. Reported a bill to be entitled "an act altering the punishment for forgery and counterfeiting in certain cases;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening from the Judiciary committee to whom was referred a resolution instructing them to inquire into the necessity of passing a law defining in what cases and in what amount, deductions shall be made from the salaries of public officers for neglect of duty, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to repeal an act passed the 12th day of January 1827, entitled an act to require additional services to be performed by the Judge of the first judicial circuit," Reported the bill with an amendment. Mr. Ross moved that the report lie on the table; which was lost. The report was then concurred in by the House, and the amendment adopted.

Mr. Craig from the committee on roads, bridges, and ferries to whom was referred a resolution and sundry petitions, instructing them to inquire into the expediency of enacting a general law, authorising the county courts of roads and revenue, to change or turn state roads which may run through their respective counties, when such change shall be obviously essential to the improvement of said roads, and shall in nowise interfere with the public utility of the same, Reported a bill to be entitled "an act to authorise county courts to change state roads in certain cases;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Kelly from the Judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of establishing one or more additional circuits, Reported a bill to be entitled "an act to establish two additional circuits;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening from the select committee to which was referred several bills providing for the payment of Jurors, Reported as a substitute in lieu thereof, a bill to be entitled "an act to provide for the compensation of Jurors;" which was read a first time and ordered to be read a second time.

The original bills were laid on the table.

Mr. Moore of Mad. obtained leave to introduce a joint resolution proposing certain amendments to the constitution of the state of Alabama, in relation to the election of senators and representatives to the General Assembly; which was read a first time and the question being put, shall this resolution be read a second time? it was determined in the negative.

Mr. Acklen from the select committee to which was referred the petition of William Kelly praying a further compensation for his services at Nickajack, in ascertaining and running the dividing line between this state and the state of Georgia, Reported a bill to be entitled "an act to amend the third section of an act passed at the last session of the legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and the state of Georgia," which was read a first time and ordered to be read a second time on tomorrow.



Mr. Cook from the select committee to which was referred the petition of sundry persons praying the passage of an act to limit the civil jurisdiction of Justices of the peace to the districts in which they are elected, asked leave to be discharged from the further consideration of said petition, that said petition having been already before the House: which was granted. The House then proceeded to the order of the day.

A resolution proposing that any county in this state is entitled agreeable to the constitution to at least one representative, was then taken up, and the question being put, shall this resolution be adopted? it was determined in the negative. Yeas 14—nays 53. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Anderson, Briggs, Brown, Clark, Conner, Dennis, Gake, Greening, Higgins, Jack, Kelly, Leahr, Lewis McRae of Mon., McRae of Frank, Moore of Ind., Sargent Sharp, Stone, Walker Walchal Ward Weisinger.—34.

Those who voted in the negative are,

Messrs. Speaker, Aikin Bell, Bedford, Brown, Broadnax, Collier, Cook, Craig Daniel, Davis, Durrett, Ellis, Edmondson, Forrest, Harris, Martin, McVay of Land, McVay of Law, Mossey, Moore of Jack, Perkins P. Lee Ramey, Rather Ross Robertson Russell Sibley Smith of Clarke Smith of Ind., Terry Vaughan Young and Wiggins.—53.

The House then adjourned till tomorrow morning 10 o'clock.

TUESDAY, December 11, 1837.

The House met pursuant to adjournment.

Mr. Walchal presented the account of George C. King, sheriff of Perry county: which was read and referred to the committee on accounts.

Mr. Vining presented the account of Thomas Fitzmaurice, which was read and referred to the committee on accounts.

Mr. McRae of Frank. presented the petition of sundry inhabitants of Marion and Franklin counties, praying the passage of a law to appoint overseers on the military road running through said counties which was read and laid on the table.

Mr. Rother presented the petition of sundry inhabitants of Morgan county praying the passage of a law to establish an election precinct at Mount Pleasant in said county: which was read and laid on the table.

Mr. Vining from the committee on schools, colleges, and universities, and school and university lands, to whom was referred the petition of sundry persons residing on the 16th section, township 4, range 9 west, in Lawrence county, praying for the sale of the said section, ask leave to be discharged from the further consideration of said petition which was granted.

Mr. Vining from the committee on schools, colleges and universities, and school and university lands to whom was referred the petition of sundry citizens of Shelby county, in township No 17, range one east, remonstrating against the sale of the 16th section in said township, ask leave to be discharged from the further consideration of said petition which was granted.

Mr. Vining from the committee on schools, colleges and universities, and school and university lands to whom was referred the petition of sundry inhabitants of Walker county, and 14th township and range No. 7, west, petitioning for the sale of part of said section, ask leave to be discharged from the further consideration of said petition: which was granted.

Mr. Moore of Mad. presented the petition of Dial Peavy praying such relief as insaid petition mentioned: which was read and referred to the committee on propositions and grievances.

Mr. Ellis from the committee on enrolled bills, Reported that they had examined and found correctly enrolled bills of the following titles to wit: An act to change the name of and legitimate a certain person therein named.

An act to divorce Joseph Cadole from Nancy Cadole: An act to divorce William O. Russell from Nancy G. Russell: An act to divorce Peggy Peavy from Nicholas Seay: An act to divorce William Travis from Elizabeth Travis: An act to divorce Abraham Danner from Anna Danner: An act to divorce Elizabeth W. Corwell from Samuel Corwell, all of which originated in this House.

A message from the Senate by Mr. Lyon.

Mr. Speaker, the Senate recede from their disagreement to the amendment made by your Honorable body to the bill entitled, An act for the relief of Pleasant Wright, former justice of Greene county, they adhere to their disagreement to the amendment made by your Honorable body to the bill entitled, an act for the relief of William Ferguson, they recede from their disagreement to the resolution from the House of Representatives inviting the Senate to assemble in the Representative Hall, on to day at 12 o'clock, for the purpose of electing a State Treasurer, Comptroller, and an Adjutant General, by making provision in an amendment here to for the re-election of Solicitors of the 2d and 5th judicial circuits: They have passed bills which originated in the House of Representatives entitled, an act to authorise a Just. Sawyer to execute writs on Consuls: An act supplementary to an act entitled an act concerning execution and sales by sheriffs and for other purposes, passed December 9th 1820, and an act to compel Solicitors to reside within their respective circuits, and have amended the latter bill by striking out the proviso at the end of the 2d section thereof and inserting in lieu thereof the words, "Provided that twelve months be allowed any Solicitor residing out of the circuit in which he holds his office to remove into the same," in which amendment they desire your concurrence.

Engrossed bill from the Senate entitled, an act for the relief William Ferguson was laid on the table.

Ordered that the House concur in the amendment made by the Senate to the bill entitled, an act to compel Solicitors to reside within their respective circuits, by striking out the proviso at the end of the 2d section thereof, and inserting in lieu thereof the words, "Provided that twelve months be allowed any Solicitor residing out of the circuit in which he holds his office to remove into the same."

Mr. Kelly presented the petition of Joseph Eastland, praying compensation for legal services, which was read and referred to the committee on accounts. Mr. Vaughan obtained leave to introduce a bill to be entitled, an act authorising the Trustees of the town of Sparta to extend the corporate limits of said town, which was read a first time and ordered to be read a second time on to morrow. Mr. Speaker laid before the House the annual report of the adjutant General, which was read. Ordered that the said report lie on the table. Mr. Greening obtained leave to introduce a bill to be entitled, an act to define the corporate limits of the town of Sparta in Concord county, which was read a first time and ordered to be read a second time.

Mr. M'Vay of Loud. moved to take from the table, a resolution proposing to amend the Constitution, so as to have biennial sessions of the General Assembly, which was carried, the resolution was then read a second time and ordered to be engrossed for a third reading tomorrow.

Mr. Clark offered the following resolution: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of authorising a jury to be drawn summoned and paid for the several county courts, also of providing by law that no suit shall be brought by or against any person or persons in any county court, the Judge whereof is of kin to said party or parties, which was lost. Mr. Benadum obtained leave to introduce a bill to be entitled, an act to provide for ascertaining the sense of the citizens of Autauga county with regard to the seat of justice in said county, which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Terry, the House took up and resumed the consideration of Mr. Compton's amendment to the resolution recommending Andrew Jackson as President of the United States. Mr. Lewis then moved that the resolution be referred to a select committee, whereupon Messrs. Levi, Anderson, Kelly, Jack, and Higgins, were appointed said committee.

Mr. Harris moved to take from the table a joint resolution proposing amendments to the Constitution of the State of Alabama, which was carried. Mr. Harris then moved that the resolution be referred to a committee of the whole House on Friday next, which was carried.

Mr. Sibley moved to take from the table, a joint resolution in relation to an exchange of sixth sixth sections, which was carried. Mr. Sibley then moved to amend the first member of the resolution, by inserting after the word "previously" and before the word "and" to the first day of January, one thousand eight hundred and twenty eight, which was adopted, the resolution was then read a second time as amended and ordered to be engrossed for a third reading on tomorrow.

Mr. Daniel obtained leave to introduce a bill to be entitled, an act to amend the laws now in force respecting Justices of the peace and constables, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Kelly offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to enquire into the expediency of making the State Treasurer ex officio Cashier of the State Bank, which was lost.

On motion of Mr. Ross: *Resolved*, that the Senate be informed that this House is now ready to go into the election of a Comptroller of public accounts, a State Treasurer, and an adjutant General, and that the East Men of the Hall be assigned for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Comptroller of public accounts, Samuel Pickens being in nomination.

For Samuel Pickens 77 votes.

Those who voted for Mr. Pickens are Messrs. President, Abercrombie, Ashe, Barton, Brown, Casey, Earle, Evans, Hubbard, Irvin, Jackson, Jones, M'Caney, Merriwether, Moore, Powell, Skinner, and Sullivan, of the Senate. Messrs. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmond,



Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey M'Rae of Mon, McRae of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Rainey, Rather, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, Wiggins.

Mr. Pickens having received a majority of all the votes given, was declared duly and constitutionally elected comptroller of public accounts for the ensuing twelve months.

Both Houses then proceeded to the election of a State Treasurer, John C. Perry being in nomination.

For John C. Perry 78 votes.

Those who voted for Mr. Perry were the same with those who voted for Mr. Pickens, with the addition of Mr. Crabb of the Senate.

John C. Perry having received a majority of all the votes given, was declared duly and constitutionally elected State Treasurer for the ensuing twelve months.

Both Houses then proceeded to the election of an Adjutant General, John B. Hogan, Calvin C. Morgan, and James G. Carroll being in nomination.

For John B. Hogan 29 votes, for Calvin C. Morgan 21 votes, for James G. Carroll 29 votes.

Those who voted for Mr. Hogan are,

Messrs. Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Merriwether, Moore, Powell, Sullivan, of the Senate. Mr. Speaker, Comer, Cook, Dennis, Greening, Jack, Lawler, M'Rae of Mon, Perkins, Ross, Sibley, Smith of Clark, Stone, Terry, Walker, Walthal, Wiggins, &c.

Those who voted for Mr. Morgan are,

Messrs. Ashe, Jackson, Jones, M'Canby, of the Senate. Messrs. Anderson, Bradford, Bonnell, Collier, Daniel, Davis, Ellis, Kelly Lewis, M'Vay of Law, Massey Moore of Mad, Price Rainey, Russell, Vaughan, Ward, &c.

Those who voted for Mr. Carroll are,

Mr. President, Abernethie, Shimmer, of the Senate. Mr. Acklen, Bell, Brown, Broadnax, Bridges, Clark, Craig, Durrett, Duke, Edmondson, Forrest Harris, Higgins, Martin, M'Vay of Land, M'Rae of Frank, Moore of Jack, Rather, Richardson, Robertson, Sargent, Sharp, Smith of Mad, Tarver, Vining Weisinger, &c. No one of the candidates having received a majority of votes, both Houses then proceeded again to the election of an Adjutant General, the same gentlemen being in nomination.

For Mr. Hogan 29 votes, for Mr. Morgan 19 votes, for Mr. Carroll 31.

Those who voted for Mr. Hogan are,

Mr. Barton, Brown, Casey, Earle, Evans, Hubbard, Irwin, Merriwether, Moore, Powell, Sullivan, of the Senate. Mr. Speaker, Comer, Cook, Dennis, Greening, Jack, Lawler, M'Rae of Mon, Perkins, Ross, Sibley, Smith of Clark, Stone, Terry, Walker, Walthal, Ward, Wiggins, &c.

Those who voted for Mr. Morgan are,

Messrs. Ashe, Crabb, Jones, M'Canby, of the Senate. Mr. Acklen, Anderson, Bradford, Bonnell, Dennis, Ellis, Kelly, Lewis, M'Vay of

**Land. Massey, Moore of Mad, Price, Rainey, Russell Vaughan, 19.**

Those who voted for Mr. Carroll are.

Mr President, Abercrombie, Jackson, Skinner, of the Senate. Mr. Bell, Brown, Broadnax, Bridges, Clark, Collier, Craig, Daniel, Durrett, Duke, Edmondson, Forrest, Harris, Higgins, Martin, M'Vay of Law, M'Rae of Frank, Moore of Jack, Rather, Richardson, Robertson, Sargent, Sharp, Smith of Mad, Tarver, Vining, Weisinger, 31 votes.— No one of the candidates having received a majority of votes, both Houses proceeded again to the election of an Adjutant General, the same gentlemen being in nomination.

For Mr. Hogan 31, for Mr. Morgan 12, for Mr. Carroll 36.

Those who voted for Mr. Hogan are.

Messrs. Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, Merriwether, Moore, Powell, Sullivan of the Senate, Messrs. Speaker, Anderson, Conner, Cook, Dennis, Greening Lawler, Perkins, Ross, Sibley, Smith of Clark, Stone, Terry, Ward, Wiggins, 51. Those who voted for Mr. Morgan are.

Messrs. Acklen, Braff, L. Bonnell, Davis, Jack, Kelly, Lewis, Massey, M'Rae of Mon, Moore of Mad, Price, Russell, 12. Those who voted for Mr. Carroll are

Mr President, Abercrombie, Jackson, McCamy, Skinner, of the Senate, Messrs. Bell, Brown, Broadnax, Bridges, Clark, Collier, Craig, Daniel, Durrett, Duke, Ellis, Edmondson, Forrest, Harris, Higgins, Martin, M'Vay of Land, M'Vay of Law, M'Rae of Frank, Moore of Jack, Rainey, Rather, Richardson, Robertson, Sargent, Sharp, Smith of Mad, Tarver, Vaughan, Vining, Weisinger, 56 votes. No one of the candidates having received a majority of votes, both Houses then proceeded again to the election of an Adjutant General. The same gentlemen being again in nomination.

For Mr. Hogan 32 for Mr. Morgan 3, for Mr. Carroll 44. Those who voted for Mr. Hogan are.

Mr. Ashe, Barton, Brown, Casey, Crabb, Earle, Evans, Hubbard, Irwin, Jones, Merriwether, Moore, Powell, Sullivan of the Senate, Messrs. Speaker, Anderson, Conner, Cook, Dennis, Greening, Jack, Lawler, Perkins, Ross, Sibley, Smith of Clark, Stone, Terry, Walker, Walsh, Ward, Wiggins, 32. Those who voted for Mr. Morgan are

Messrs. Kelly, M'Rae of Mon, and Moore of Mad. Those who voted for Mr. Carroll are.

Messrs. President, Abercrombie, Jackson, McCamy, Skinner, of the Senate. Messrs. Acklen, Bell, Broadnax, Broadnax, Bridges, Bonnell, Clark, Collier, Craig, Daniel, Davis, Durrett, Duke, Ellis, Edmondson, Forrest, Harris, Higgins, Lewis, Martin, M'Vay of Land, M'Vay of Law, Moore, M'Rae of Frank, Moore of Jack, Price, Rainey, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Smith of Mad, Terry, Vaughan, Vining, Weisinger, 44 votes.

Mr. Carroll having received a majority of votes, Mr. Speaker therefore declared him duly and constitutionally elected Adjutant General of the State of Alabama for the next ensuing four years, and then the House adjourned until to morrow morning 9 o'clock.

WEDNESDAY, December 12th 1827.

The House met pursuant to adjournment, Mr. Massey presented the petition of sundry inhabitants of St. Clair county, praying the passage of a law to restore Samuel Battles to the rights of citizenship, which was read and referred to the judiciary committee.

Mr. M'Rae of Mon. presented the petition of sundry inhabitants of Monroe county, praying the passage of a law to attach part of Monroe county to Clark county, which was read and referred to the committee on county boundaries. Mr. Bridges offered the following resolution: Cook, Craig, Daniel, Davis, Edmondson, Forrest, Harris, Higgins, Lewis, Martin, M'Vay of Land, M'Vay of Law, Moore, M'Rae of Frank, Moore of Jack, Price, Rainey, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Smith of Mad, Terry, Vaughan, Vining, Weisinger, 44 votes.

*Resolved*, that the committee on county boundaries be instructed to enquire into the expediency of so altering the boundaries of the counties situate and lying on both sides of the Alabama river, and of the counties adjoining to them, as to make said river a county boundary, to report by bill or otherwise, which was lost. Mr Bonnell presented the petition of sundry inhabitants of Montgomery county, praying the passage of a law to establish an election precinct at the store of William P. Fisher, in lieu of the one at Howell Tatums, which was read and laid on the table. Mr. Smith presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law for the relief of Andrew O. Horn, Collector of said county, which was read and referred to the committee on propositions and grievances. Mr M'Rae of Frank. presented the petition of sundry inhabitants of Franklin county, praying the aid of the Legislature to establish a bank of discount and deposit at Tusculum, which was read and laid on the table. Mr. Vining from the committee on schools, colleges and universities and school and university lands, to whom was referred a resolution of this House, referring so much of the Governor's Message as relates to education and the location of the university; *Reported*, that they deem it inexpedient to locate the university at this session; *Ordered*, that said report be on the table. Mr. Geddes from the committee on apportionment, to whom was referred the returns of the census of the State, reported a bill to be entitled: "an act to apportion the Representatives among the several counties in the State, and to divide the state into Senatorial districts according to the latest census, which was read a first time and ordered to be read a second time on to-morrow. Mr. Greening from the judiciary committee to whom was referred a resolution of the House, instructing them to enquire into the expediency of providing a more speedy remedy on bonds given to take the prison bounds, and to deliver in a schedule of property with a view to take the insolvent oath, reported a bill to be entitled, "an act to give a more summary remedy on bonds to take the prison bounds, and to deliver property with a view to take the insolvent oath; which was read a first time and ordered to be read a second time on to-morrow.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled "an act to alter and amend an act establishing the fees of the clerk of the supreme court of errors and appeals," *Reported* the bill without amendment. Mr. Kelly moved that the bill lie on the table which was carried.

A message from the Senate by Mr. Lyon.

*Mr. Speaker*—The Senate have passed a bill which originated in their House, entitled "an act for the relief of securities in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives entitled "an act to authorise the people of the county of Bibb to fix the permanent seat of Justice in said county, and for other purposes. And then he withdrew.

Mr. Colgin from the select committee to whom was referred a resolution that a committee of five members of this House be appointed to instruct our members in Congress from this state, to petition the President of the United States to postpone the sales of the public lands in the districts of Cahawba and Tuscaloosa as now advertised, ask leave to be discharged from the further consideration thereof: inasmuch as the subject embraced in said resolution has been acted on by both branches of the legislature: which was granted.



Mr. Rainey obtained leave to introduce a bill to be entitled "an act to authorise Wyatt Harper, administrator of William Bates deceased, to sell and transfer real estate," which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Collier Resolved that the committee on the state Capitol be instructed to inquire into the expediency of providing by law for the sale of the property belonging to the state in the town of Cahawba and its vicinity.

Mr. M'Rae of Frank. obtained leave to introduce a bill to be entitled an act extending the duties of the school commissioners of the 10th sections, which was read a first time, and the question being put, shall this bill be read a second time on tomorrow? it was determined in the affirmative. Yeas 50—nays 9. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Anderson Bell Bradford Brown Broadnax Bonnell Clark Colgin Collier Conner Cook Craig Daniel Davis Dennis Duffett Duke Ellis Edmondson Forrest Greening Harris Higgins Kelly Martin M'Vay of Land, M'Vay of Law, Massey M'Rae of Mont. M'Rae of Frank, Moore of Jack, Moore of Mont. Rainey, Butler Ross Robertson Russell Sargent Sharp Sibley Smith of Clarke, Stone, Tarver Terry Vaughan Walker Ward Weisinger, Wiggins—50.

Those who voted in the negative are,

Mr. Acklen, Jack, Lawler, Perkins Price Richardson Smith of Mont. Vining, Walthal—9.

Mr. Cook obtained leave to introduce a bill to be entitled "an act to authorise the county court of Butler county to make further sale of land in Greenville," which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill from the Senate entitled "an act for the further relief of securities" was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill to be entitled "an act relative to Sheriffs' sale" was read a third time. Mr. Walker moved to reconsider the vote taken on filling the blank in the first section with "thirty" which was lost. Mr. Brown moved to amend the bill by way of the following engrossed rider: *Provided* that this act shall not so extend to counties in which no newspaper is printed; which was adopted. Mr. Craig moved further to amend the bill by way of the following engrossed rider: *Provided* that nothing in this act shall be so construed as to exonerate officers from advertising in such manner as is now provided by law; which was adopted. And the question being put, shall this bill pass? it was determined in the negative. Yeas 8,—nays 52. The yeas and nays being desired, those voted in the affirmative are,

Mr. Broadnax, Bonnell, Colgin, Conner, Cook, Duffett, Smith of Clark, Stone—8.

Those who voted in the negative are,

Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Bridges, Clark, Collier, Cook, Daniel, Davis, Dennis, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Mont. M'Rae of Frank, Moore of Jack, Moore of Mont. Perkins, Price, Rainey, Butler, Richard, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, Wiggins—52.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act excluding from suffrage, serving as Jurors, and holding offices such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors," was read a third time and passed. *Yeas*

dered that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled "an act for the benefit of the Pikeville Library company" was read a second time and ordered to be read a third time on tomorrow. A bill to be entitled "an act to declare void a certain rule of the supreme court. Mr. Lewis moved that the bill be referred to the Judiciary committee: which was carried. Engrossed bill from the Senate entitled "an act to incorporate the Sommerville Philomathian society" was referred to a select committee consisting of Messrs. Vaughan, Craig and Rather.

Titles of the following titles to wit: an act for the relief of James H. Jones — an act to authorize James Mahan, William Lovelady, John Gardner, and Ransom Davis: to enter a certain quantity of university land for the purposes therein mentioned. A joint resolution in relation to the Cherokee boundary, were severally read a second time and ordered to be engrossed for a third reading on tomorrow.

Engrossed bill from the Senate entitled "an act to amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson," passed December 6, 1820. Mr. Forrest moved to refer the bill to a select committee: which was carried. The bill was then referred to Messrs. Forrest, Brown, and Jack.

A bill to be entitled an act to provide for the payment of that part of the revenue arising from tavern and retail licenses and Houses of entertainment, into the treasury of the counties respectively. Mr. Stone moved that the bill lie on the table, which was carried.

The House then resolved itself into a committee of the whole House on a bill to be entitled "an act to authorize the sales of sixteenth sections and for other purposes." Mr. Vinig in the chair: and after sometime speaking therein the committee rose, and Mr. Speaker resumed the chair, and Mr. Vinig from the committee of the whole House, reported progress, and leave was asked until Monday next to sit again; which was granted. Engrossed bill from the Senate entitled "an act to give jurisdiction of the purchase of certain contracts therein named," was read a second time and ordered to be read a third time on tomorrow.

On motion of Mr. Rose *Resolved* with the concurrence of the Senate, that the two Houses will tomorrow at half past two o'clock, P. M. go into the election of solicitors of the 4th and 5th Judicial circuits in this state. Mr. Harris moved to amend the resolution by adding the words "as if" a Judge of the county court of Washington county: which was adopted.

Engrossed bills of the following titles to wit: memorial to the Congress of the United States on the subject of the extension of the federal judiciary system so as to admit the states received into the Union since the last extension thereof to a participation of its benefits. An act to revive and continue in force an act passed the 31st day of December 1822 entitled an act to incorporate the town of Jamesborough in the county of Jefferson: joint resolution requiring the Comptroller of public accounts to furnish the tax collectors and county court Clerks with a certified copy of the revenue laws of this state. An act to amend an act to authorize Clerks and Magistrates to collect cost in certain cases, were severally read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bills to be entitled, an act to amend and explanatory of an act to authorize William H. Ragsdale and his associates to turnpike a

read therein specified, passed 14th day of January 1826. Mr. M'Rae of Frank. moved to amend the bill by way of the following engrossed rider: "Provided, that nothing in this act shall be so construed as to authorise the said Ragsdale to place a gate on any part of the old military road, unless the said Ragsdale shall think proper to keep in repair said military road." Mr. Martin moved that the bill together with the amendment lie on the table, which was carried. A bill to be entitled, an act to alter the boundaries of several counties therein named. Mr. Lewis moved that the bill be referred to a select committee, whereupon Messrs. Bonnell, Dennis, and Cook, were appointed said committee, and then the House adjourned till half past 2 o'clock.

EVENING SESSION. Half past 2 o'clock.

The House met pursuant to adjournment.

Mr. M'Vay of Law. moved to take from the table a bill from the Senate entitled, an act for the relief of William Ferguson, which was carried. Mr. M'Vay of Law. then moved that the House adhere to their amendment to said bill, which was carried. A bill to be entitled, an act to aid in the endowment of a humane charity hospital, in the city of Mobile. Mr. M'Vay of Law. moved that the bill be referred to the committee on ways and means, which was lost, the bill was then read a second time and ordered to be engrossed for a third reading on to morrow. A bill to be entitled, an act to amend the third section of an act passed at the last session of the Legislature, to compensate the commissioners appointed by the Governor, for ascertaining and marking the permanent boundary line between this State and Georgia, was read a second time and ordered to be engrossed for a third reading. A bill to be entitled, an act to amend the law now in force respecting Justices of the peace and constables. Mr. M'Vay of Law. moved to amend the bill by striking out the third section, which was lost. Mr. Lawler then moved that the bill lie on the table till Monday next, which was carried. A bill to be entitled, an act to authorise county courts to alter state roads in the interior. Mr. Jack moved to amend the same by striking out the word "county" and inserting in its place the word "State," which was carried. Mr. Lawler then moved that the bill be referred to a select committee, which was carried, and thereupon Messrs. Lawler, Craig, and Jack, were appointed said committee. A bill to be entitled, an act altering the punishment of forgery and counterfeiting in certain cases. Mr. Terry moved to amend the bill by striking out such parts as relates to branding, which was lost. Mr. Bennett moved to strike out so much of said bill as relates to the punishment by death for forgery, which was lost. Mr. Kelly moved to amend the third section of the bill by striking out the words "which now are or hereafter may be passing or in circulation in this state," which was carried, the bill was then read a second time and ordered to be engrossed for a third reading.

A bill to be entitled, an act authorising the heirs representatives and associates of John Byler deceased, to erect a gate upon the road known by the name of Bylers Turnpike road. Mr. Duke moved to amend the bill by inserting after the word Walker the word Marion, which was carried. Mr. Collier moved to lay the bill on the table till Monday next, which was carried.

A bill to be entitled, an act authorising the trustees of the town of Somerville, to extend the corporate limits of said town. Mr. Rather moved that the bill lie on the table, which was carried.



A bill to be entitled, an act to define the corporate limits of the town of Sparta, in Conecuh county. Mr. Cook moved to amend the bill by adding thereto, an additional section, which was carried, the bill was then read a second time as amended, and ordered to be engrossed for a third reading.

A bill to be entitled, an act to provide for ascertaining the sense of the citizens of Autauga county with regard to the seat of Justice in said county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled, an act concerning the estates of deceased persons. Mr. Collier moved to amend the second section of the bill by striking out the words "at the rate of five per centum," and inserting in lieu thereof the words "such interest as said Judge and jury may think reasonable and proper, not exceeding eight per centum," which was carried. Mr. Collier moved to amend the bill further by adding an additional section, which was carried. Mr. Craig moved to amend the bill by way of the following proviso: *Provided* that this act shall not take effect until the first day of August next, which was lost. Mr. Daniel moved to amend the bill by striking out all of the first section after the words "real estate," in the twentieth line from the enacting clause, which was lost, the bill was then read a second time as amended and ordered to be engrossed for a third reading.

On motion of Mr. Greening: *Resolved*, that the committee on ways and means be instructed to enquire into the propriety of defining by law, in what cases taxes should be paid on the sale of ardent spirits.

A bill to be entitled, an act to amend a certain act therein mentioned, was read a second time and ordered to be engrossed for a third reading. A bill to be entitled, an act to amend the several acts now in force relative to the militia and patrol laws of this state. Mr. M'Vay of Law, moved that the further consideration thereof be indefinitely postponed, which was lost, yeas 19, nays 42. The yeas and nays being desired.

Those who voted in the affirmative are:

Messrs. Barfield, Clark, Collier, Craig, Davis, Ellis, Edmondson, Forrest, M'Vay of Law, M'Vay of Law, Massey, Moore of Mad. Price, Robinson, Sarg nt. Smith of Mad. Walker, Ward, Weisinger, 19.

Those who voted in the negative are:

Messrs. Speaker, Acklen, Anderson, Bell, Brown, Broadnax, Bridges, Bonnell, Colgin, Conner, Cook, Daniel, Dennis, Durrett, Duke, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Rae of Mon. M'Rae of Frank, Moore of Jack, Perkins, Rainey, Rather, Richardson, Ross, Russell, Sharp, Sibley, Smith of Clark, Stone, Tarter, Perry, Vaughan, Vining, Walthal, Wiggins.

Mr. Jack then moved that the bill be referred to the military committee, which was carried. Mr. Perkins offered the following resolution: *Resolved*, that the committee to whom is referred the bill relating to militia and patrol duty, be and they are hereby instructed to exclude all that part relating to drills and parades for a number of days, which was adopted, yeas 57, nays 24. The yeas and nays being desired, those who voted in the affirmative are:

Messrs. Bell, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Daniel, Dennis, Durrett, Ellis, Edmondson, Forrest, Kelly, Lawler, Martin, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Perkins, Price, Rainey, Richardson, Robertson,

Russell, Sargent, Sharp, Smith of Clark, Tarver, Walker, Walthall, Ward, Weisinger, &c.

Those who voted in the negative are,

Messrs. Speaker, Acklen, Anderson, Bradford, Craig, Davis, Duke, Greening, Harris, Higgins, Jack, Lewis, M'Vay of Laud, M'Rae of Mon, Moore of Mad, Rather, Ross, Sibley, Smith of Wad, Stone, Terry, Vaughan, Vining, Wiggins, &c. And then the House adjourned until to-morrow morning 10 o'clock.

THURSDAY, December 13, 1827.

The House met pursuant to adjournment. A message from the Senate by Mr. Lyon.

Mr. Speaker, the Senate have passed bills, which originated in the House of Representatives entitled, An act to establish a permanent seat of justice in the county of Henry, an act to appoint commissioners for 2d county of Dale, and for other purposes, and have amended the same by adding thereto, an additional section, also an act to authorise the Sheriff of Walker county to execute precepts issued by justices of the peace, and have amended the same by adding the counties of Dale and Covington immediately after Walker, wherever it occurs in the bill, and by amending the other parts of the bill, so as to make it correspond with the first amendment, and also by changing the title of the bill to an act to authorise the Sheriff of Walker, Dale, and Covington counties, to execute precepts issued by justices of the peace. In which several amendments they desire your concurrence, and then he withdrew: *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled, an act to appoint commissioners for the county of Dale, and for other purposes by adding thereto an additional section: *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled, an act to authorise the Sheriff of Walker county to execute precepts issued by justices of the peace, by adding the counties of Dale and Covington, immediately after "Walker" wherever it occurs in the bill, and by amending the other parts of the bill, so as to make it correspond with the first amendment, and also by changing the title of the bill to an act to authorise the Sheriff of Walker, Dale, and Covington counties, to execute precepts issued by justices of the peace.

Mr. Greening presented the petition of sundry inhabitants of Monroe and Concord counties, praying the aid of the Legislature, on the subject of the 15th sections of land, which was read and laid on the table. Mr. Sibley presented the memorial of the grand jury of Baldwin county at November term of the circuit court of said county in the year 1827, praying the passage of a law to change the mode of punishing slaves for capital offences, which was read and referred to the select committee to whom was referred a memorial from Washington county on that subject. Mr. Anderson presented the petition of sundry inhabitants of Marengo county, praying the passage of a law for the relief of Dempsey Sturdevant, which was read and referred to the committee on propositions and grievances. Mr. Collier presented the memorial of Edward Davis, praying compensation for repairs done to the State House, which was read and referred to the committee on propositions and grievances.

Mr. Sargent presented the account of Benjamin Hudson, sheriff of Franklin county, which was read and referred to the committee on accounts.

Mr. Daniel presented the petition of Andrew O. Horn, accompanied with the memorial of sundry inhabitants of Lawrence county, praying

relief for the loss of a certain sum of money therein named; which was read and referred to the committee on propositions and grievances.

Mr. Ross from the committee on accounts to whom was referred the account of James Davis, claiming compensation for attendance as bailiff on the circuit court of Shelby county, Reported that said account is payable out of the county and not the state treasury, and ask leave to be discharged from the further consideration thereof. Mr. Clark moved that the report lie on the table: which was carried.

Mr. Ross from the committee on accounts to whom was referred a bill to be entitled "an act making compensation to Jesse Beene for certain services by him rendered, and for other purposes," Reported the bill with an amendment: which was concurred in by the House, and the amendment adopted.

Mr. Ross from the committee on accounts to whom was referred the account of David M'Bride, claiming compensation for attendance on the Grand Jury of Lawrence county, at the September term 1822, of the circuit court of said county, Reported that said account is properly chargeable upon the county and not the state treasury; and ask leave to be discharged from the further consideration thereof. Mr. Daniel moved that he report lie on the table: which was carried.

Mr. Ellis from the committee on enrolled bills Reported that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to revive and continue in force an act entitled an act to provide for the choosing electors of President and Vice President of the United States, passed December 26th 1825. An act for the relief of Henry Box; and an act for the relief of William W. Garrard: all of which originated in the Senate.

Mr. Terry from the committee on privileges and elections, have examined the returns of the elections for representatives of the several counties in this state, and are of opinion that said representatives consisting in the whole number of sixty four, have been duly and constitutionally elected members of the present General Assembly. Ordered that said report lie on the table.

On motion of Mr. Moore of Mad. Resolved that the committee on the state Capitol be instructed to direct the commissioners for superintending the erection of the said Capitol, to ascertain from the proprietor of lot No. 428, in the plan of the town of Tuscaloosa, the least he will take for said lot and report to this House immediately.

Mr. Lawler from the select committee to whom was referred a bill to be entitled "an act to authorise County courts to alter state roads in certain cases, Reported the same with the following amendments: at the end of fifth line insert "or when any state road can be altered so as to suit public convenience." After the word "aggrieved" in the seventh line, insert "or any person wishing to alter any state road for public convenience." Strike out of the fourth line from bottom of the first section the word "one" and insert "three:" which several amendments were adopted by the House.

Mr. Ellis from the select committee to whom was referred the petition of Henry T. Anthony, Reported a bill to be entitled "an act for the relief of Henry T. Anthony;" which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Stone Resolved that the committee on the state Bank be instructed to inquire into the expediency of making some amendment



to the act entitled "an act to incorporate the Bank of the state of Alabama," so as to regulate the time exceeding which no draft or bill of Exchange shall be discounted; and also the expediency of equalising the time or date at which drafts may be discounted on the different places at which they may be payable.

Mr. Perkins from the committee on inland navigation to whom was referred a bill to be entitled "an act declaring Elk river and Big Shoal creek, public highways Reported the bill without amendment. The bill was then read a second time and ordered to be engrossed for a third reading on tomorrow.

Mr. Jack obtained leave to introduce a bill to be entitled "an act for the relief of Dugald M'Farlane," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Sibley obtained leave to introduce a bill to be entitled "an act to render overseers of roads accountable for certain monies coming into their hands," which was read a first time and ordered to be read a second time on tomorrow.

A message from the Senate by Mr. Cuthbert.

Mr. Speaker—The Senate report in the resolution of your honorable body proposing to go into the election of Solicitors of the 4th and 11th Judicial circuits in this state and a Judge of the county court of Washington county this day at half past 5 o'clock P. M. They have also passed a bill originating with the Senate entitled "an act to organise and establish a circuit court in Dale county, and to arrange the counties of the first, second, and sixth judicial circuits in which they ask the concurrence of your honorable body." And then he withdrew.

Mr. Sharp obtained leave to introduce a bill to be entitled "an act to provide for ascertaining the values of the citizens of Dallas county, with regard to the seat of Justice in said county," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Perkins from the select committee to whom was referred the memorial of William Jones and others, Reported a bill to be entitled "an act for the relief of William Jones, of Walker county," which was read a first time and ordered to be read a second time.

Mr. Collier obtained leave to introduce a bill to be entitled, an act to authorise the administrators of Daniel Mitchell to make and receive assurances on titles to certain real estate, which was read a first time and ordered to be read a second time on tomorrow.

Mr. M'Neel of Monroe obtained leave to introduce a bill to be entitled, an act to authorise the Judge of the county court of Monroe county, and the commissioners of roads and revenue, to levy a special tax, for the purpose therein mentioned, which was read a first time and ordered to be read a second time.

Mr. M'Vay of Land moved to take from the table a bill from the Senate entitled, an act providing a more summary mode for the trial of persons charged with the commission of affrays and assaults and batteries, which was carried. Mr. Moore of Jack Moved to amend the bill by striking out the word "shall" with a view of inserting the word "may," which was lost. Mr. Higger moved to amend the 2nd section of the bill, by adding after the word "him or some other justice of the peace of said county," which was adopted.

Mr. Vaughan moved to amend the bill, by striking out the sixth section, which was lost. Mr. Collier moved to refer the bill to the judiciary committee, which was lost. Mr. Kelly moved to amend the bill by way

of the following proviso, "provided that in all cases arising under this act, the Plaintiff or defendants, on his, her or their appearance before the magistrate, shall have a right to object to any final trial of such cause, and if such objection shall be made, the magistrate shall only have power to examine and bind the parties to court, or discharge them as hereinafter provided, and provided also that if no such objection be made to a final trial, the said justice shall progress with the trial, and if the defendant or defendants require it, a jury shall be summoned to try the cause and assess the fine. Mr. Ellis moved to amend the proviso, by striking out all after the last proviso, which was lost. Mr. M'Vay of Law moved to amend the proviso, by adding after the word "jury," "of five" men. Mr. Jack moved to amend the amendment by inserting "seven" in stead of "five." The question was then put on the amendment to the amendment, and lost. The question was then put on the adoption of Mr. Kelly's amendment and lost. Mr. Smith of Clark then moved that the bill lie on the table until the first day of the next session of the General Assembly, which was carried, yeas 33 nays 28.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Bradford, Bonnell, Colgin, Collier Conner, Craig, Daniel, Forrest, Greening, Harris, Jack, Kelly, Lewis, Martin, M'Kee of Mad. Moore of Mad. Perkins, Rainey, Richardson, Ross, Sharp, Sibley, Smith of Clark, Stone, Tarver, Vining, Walker, Walthall, Wood, Weininger, Wiggins, 33.

Those who voted in the negative are, Mr. Anderson, Bell, Brown, Buchanan, Bridges, Clark, Craig, Daniel, Davis, Durrett, Duke, El-ber, Edmundson, Higgins, Lawler, M'Vay of Laud, M'Vay of Law, M'Kee of Frank, Moore of Jack, Price, Rather, Robertson, Smith of Sargent, Smith of Mad. Terry, Vaughan, 28.

A message from the Senate by Mr. Lyon.

Mr. Speaker, the Senate have passed a bill which originated in the House of Representatives, entitled an act to incorporate the Blakely and Greenville Turnpike company, and have amended the same in the manner herewith shewn, in which they ask your concurrence, and then he withdrew.

A message from the Senate by Mr. Lyon.

Mr. Speaker, the Senate have appointed a committee on their part consisting of Messrs. Hubbard and Brown, to confer with such committee as may be appointed on the part of your Honorable Body on the subject, as may be appointed on the part of your Honorable Body on the subject, matter of disagreement between the two Houses, in relation to the amendment made by the House of Representatives, to be entitled, an act for the relief of William Ferguson, in which they ask your concurrence.

They have passed a bill which originated in their House entitled, an act relative to the duties of grand jurors, in which they desire your concurrence.

They have also passed bills which originated in your Honorable Body entitled, an act to divide the 22d Regiment of the militia of this state, and have amended the same, in the manner herewith shewn, also an act to authorise Isham R. Houze to bring to this state the slaves of Susan B. Houze, and have amended the same by striking the proviso from the end of the 1st section thereof, and by substituting the accompanying proviso in lieu thereof, in which amendments they respectfully desire your concurrence.

They have also passed a joint resolution, adopting a plan for the state Capitol, which originated in the House of Representatives, and have a-

thended the same by striking therefrom, the words "plan for state Capitol." endorsed by the Clerk of the House of Representatives, and have inserted the words, plan for state Capitol, endorsed by the Secretary of the Senate, and by adding thereto an additional resolution. The enlarged plan adopted by the Senate and endorsed "plan for state Capitol" by the Secretary of the Senate, is herewith communicated to the House, and I am directed by the Senate to ask the concurrence of the House of Representatives therein, and then the House adjourned to half past 2 o'clock.

EVENING SESSION, Half past 2 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Forrest: *Resolved*, that the Senate be informed that the House of Representatives are now ready to receive them to proceed to the election of Solicitors for the 4th and 5th judicial circuits, and a Judge of the county court of Washington county, and that the east end of Hall be assigned for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Solicitor for the 4th judicial circuit.

Joshua L. Martin being in nomination, for Joshua L. Martin 70 votes those who voted for Mr. Martin are.

Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Earl, Evans, Hubbard, Irwin, Jackson, Jones, McCamy, Merriweather, Moore, Powell, Shackelford, Skinner, Sullivan, of the Senate. Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnel, Colgin, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, McVay, Laud, McVay, Law, Massey, McRae of Mon. McRae of Frank, Moore of Mad, Perkins, Price, Rainey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vaughan, Vining, Walker, Ward, Weisinger, Wiggins, 75 votes.

Joshua L. Martin having received a majority of votes, Mr. Speaker therefore declared him duly elected Solicitor of the fourth circuit.

Both Houses then proceeded to the election of a Solicitor of the 5th judicial circuit.

James M. M. White, Samuel D. Moore, and Joseph Eastland, being in nomination.

For James M. M. White, 45 votes, for Samuel D. Moore, 36 votes, for Joseph Eastland 1 vote.

Those who voted for Mr. White are, Messrs. President Abercrombie, Barton, Crabbs, Earle, Irwin, Jackson, Jones, Powell, Shackelford, of the Senate. Mr. Acklen, Bell, Broadnax, Bonnell, Collier, Cook, Craig, Daniel, Durrett, Edmondson, Harris, Jack, Lawler, Lewis, Martin, McRae of Mon. Moore of Mad, Perkins, Rather, Ross, Robertson, Russell, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Vaughan, Vining, Walthal, Ward, 45.

Those who voted for Mr. Moore are, Mr. Ashe, Brown, Casey, Evans, Hubbard, McCamy, Merriweather, Moore, Skinner, Sullivan, of the Senate. Mr. Speaker, Anderson, Brown, Bridges, Clark, Colgin, Conner, Davis, Dennis, Duke, Ellis, Forrest, Greening, Higgins, McVay of Laud, McVay of Law, Massey, McRae of Frank, Price, Rainey, Richardson, Sargent, Terry, Walker, Weisinger, Wiggins, 36.

Mr. Kelly, voted for Mr. Eastland.

Mr. White having received a majority of vote, Mr. Speaker therefore



declared him duly and constitutionally elected Solicitor of the 6th judicial circuit.

Both Houses then proceeded to the election of a Judge of the county court of Washington county: Josiah D. Lister being in nomination.

Those who voted for Mr. Lister are, Mr. President, Abernethie, Ashe, Barton, Brown, Casey, Craob, Earle, Evans, Hubbard, Irving, Jackson, Jones, McCamy, Merrimether, Moore, Powell, Seackelford, Skowen, Sullivan, van, of the Senate. Mr. Speaker, Jackson, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Sunnell, Clark, Coggin, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, McVay of Land, McVay of Law, Mussey, McKee of Mon, McKee of Frank, Moore of med, Perkins, Price, Ramey, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of med, Stone, Taylor, Terry, Vaughan, Vining, Walker, Walshall, Ward, Weisinger, Higgins &c.

Mr. Lister having received a majority of votes, Mr. Speaker therefore declared him duly elected Judge of the county court of Washington county.

Ordered that the House concur with the Senate in appointing a committee of conference upon the subject matter of disagreement between the two Houses, in relation to the amendment made by the House of Representatives, to the bill entitled, an act for the relief of William Ferguson, whereupon messrs. Daniel, Craig, and Sharp, were appointed said committee.

Ordered that the House concur in the amendment made by the Senate, to the bill entitled, an act to divide the 2d regiment of the militia of this state, by adding thereto an additional section.

Ordered that the House concur in the amendment made by the Senate to the bill entitled, an act to authorise Isham R. Houze to bring to this state the slaves of Susan B. Houze, by striking out the proviso from the end of the 1st section thereof, and by substituting the accompanying proviso in lieu thereof.

A joint resolution adopting a plan for the state Capitol, was on motion of Mr. Greening laid on the table. Engrossed bill entitled "an act to incorporate the Blakely and Greenville turnpike Company," was on motion of Mr. Cook, laid on the table. Engrossed bill from the Senate entitled "an act relative to the duties of Grand Jurors" was read a first time and ordered to be read a second time on tomorrow.

Mr. Forrest moved to take from the table a bill to be entitled "an act for the more speedy trial of chancery causes," which was lost.

On motion of Mr. Collier the House resolved itself into a committee of the whole House, on a bill to be entitled "an act for providing for the more speedy collection of debts due to the bank of the state of Alabama, and for other purposes." Mr. McVay of Land, in the chair; and after some time spent in the consideration of the same, the committee rose: Mr. Speaker resumed the chair, and leave was asked to be discharged from the further consideration thereof which was granted. The bill was then referred to a select committee consisting of Messrs. Collier, Greening, Terry, Harris, and Ross.

Engrossed bill from the Senate entitled "an act to organise and establish a circuit court in Dale county; and to arrange the counties of the first, second and sixth judicial circuits," was read a first time and ordered to be read a second time on tomorrow. A bill to be entitled "an act to divorce Winney Gaines from her husband Francis T. Gaines," was read a second time and ordered to be engrossed for a third reading

on tomorrow. A bill to be entitled "an act to provide for the support of paupers" was on motion of Mr. Moore of Mass. referred to a select committee; whereupon Messrs. Moore of Mass. Perkins, Perry, Vining, Craig and Bridges, were appointed said committee.

Mr. Ross moved that the bill to be entitled "an act to repeal an act passed the first day of January 1827, entitled an act to require additional services to be performed by the judges of the first judicial circuit in this state, be referred to a select committee; which was lost. Yeas 25—nays 33. The yeas and nays being desired, those who voted in the affirmative are,

Mr. S. Messrs. Allen, Borden, Logan, Collier, Conner, Cook, Dancer, Duke, Edmundson, Harris, Jack, McRae of Frank. Moore of Mass. Perkins, Rainey, Rather, Ross, Sharp, Sibbey, Stone, Tarver, Vaughan, Walker, Wallhal—25.

Those who voted in the negative are,

Mr. Messrs. Anderson, Brown, Broadnax, Bridges, Clark, Daniel, Davis, Dennis, Ellis, Forrest, Greening, Higgins, Kelly, Lawler, McVay of Land, Massey, McRae of Mont. Moore of Jack, Plater, Richardson, Robertson, Russell, Sargent, Smith of Clarke, Smith of Mass. Terry, Vining, Ward, Weistinger, Williams—33.

The bill was then read a second time and ordered to be engrossed for a third reading tomorrow. And then the House adjourned until tomorrow 10 o'clock.

FRIDAY, December 14, 1827.

The House met pursuant to adjournment.

Mr. Tarver presented the petition of the medical Board at Canton, praying the passage of a law to locate the place of holding said board from Canton in the town of Sevier, and to apply land taxes for examination as compensation to said board for their services; which was read and referred to a select committee consisting of Messrs. Tarver, Walker, and Sharp.

Mr. Jack presented the account of Andrew Northington, which was read and referred to the committee on accounts.

Mr. Rainey presented the account of Daniel Green, which was read and referred to the committee on accounts.

Mr. Higgins presented the petition of sundry citizens of the town of Montgomery, praying the passage of a law to amend the charter of incorporation, which was read and referred to a select committee consisting of Messrs. Higgins, Lewis and Daniel.

Mr. Clark presented the petition of sundry inhabitants of Bibb county, praying the aid of the legislature on the subject of a stay law, which was read and referred to the committee on propositions and grievances.

Mr. Lawler presented the petition of sundry inhabitants of Shelby county, praying that an act may pass to elect a Justice of the peace in the town of Columbia, in said county; which was read and referred to a select committee consisting of Messrs. Lawler, Clark and Daniel.

Mr. Moore of Jack, from the committee on the state capitol to which was referred a resolution instructing them to direct the commissioners for superintending the erection of the state capitol, to ascertain the price of lot No. 123 and report immediately, have performed that duty, and report statements in writing by Mr. Lewis the proprietor, and of a majority of the commissioners containing the information required. Ordered that said report together with the accompanying document lie on the table.

Mr. Ellis from the committee on enrolled bills reported that they had examined and found correctly enrolled, bills of the following titles, to wit: An act for the relief of Pleasant Wright, former Jailor of Green county; An act to amend an act entitled an act to incorporate the town of Florence in the state of Alabama, which originated in the Senate; An act to compel solicitors to reside within their respective circuits, which originated in this House.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of sundry inhabitants of Tuscaloosa county, and a memorial of sundry inhabitants of the same county, on the subject of the location of the seat of Justice for said county. Reported a bill to be entitled "an act to locate the seat of justice in the county of Tuscaloosa," which was read a first time and ordered to be read a second time on Monday.

Mr. Young from the select committee to whom was referred a bill to be entitled "an act to repeal an act passed 23d December 1814, concerning divorce and for other purposes," reported the bill without amendment. Mr. Young then submitted an amendment which was to strike out all after the enacting clause, which was concurred in and adopted by the House.

Mr. Atkin from the select committee to whom was referred a bill to be entitled "an act to authorise the raising of ten thousand dollars for the purpose of improving the navigation of the Tennessee river through Collier's Shoals, and building a bridge across Shoal Creek." Reported the bill with the following amendments: strike out the word "ten" in the second line of the caption and insert "three;" strike out all from the word "and" in the second line to the word "building" in the third line; strike out all from the word "Landerdale" in the ninth and tenth line including the word "Franklin" where it occurs in the fifth line; strike out the word "and" in the 15th line and insert the word "three;" strike out all from the word "of" at the end of the 15th line to the word "of built" in the 17th line; strike out the word "five" where it occurs in the 22d and insert the word "three;" strike out the words "each of" when they occur in the 3d line of the 5th section; strike out the word "grand" where it occurs in the 5th line of the 5th section; all of which amendments were concurred in and adopted by the House.

Mr. Bridges from the select committee to whom was referred a bill to be entitled "an act to regulate the inspection of tobacco in this state," reported the bill without amendment. The bill was then read a second time and ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Vallin. Resolved that the committee to which was referred so much of the Governor's message as relates to the public lands within this state, be instructed to take into consideration the situation of that class of lands that were forfeited during the present year, with a view to afford relief to the original purchasers of such lands.

On motion of Mr. M'Rae of Frank. Resolved that the select committee appointed to draft a memorial to the Congress of the United States to relieve the purchasers of public lands &c be requested to inquire into the propriety of instructing our Senators and requesting our Representatives to use their best exertions to have a law passed authorising the school commissioners of the sixteenth sections, to relinquish such part of the whole of said sections as may be found not to be good, and enter any land that may be relinquished, or not otherwise appropriated or forfeited in their own townships, and appropriated in the same way that the 16th sections were intended to be appropriated.



A communication was received from the Governor by James L. Thornton, Secretary of state, which is as follows:

EXECUTIVE DEPARTMENT, December 14, 1827.

*The Honorable the Speaker,  
and Members of the House of Representatives:*

GENTLEMEN:—I have the pleasure herewith to transmit you a communication from the Board of Trustees, recommending the location of the University of Alabama.

I have the honor to be, most respectfully,

Your obedient Servant;

Signed

JOHN MURPHY.

And then he withdrew. Ordered that said communication together with the accompanying document be referred to a select committee: whereupon Messrs. Rainey, Walthal, and Martin, were appointed said committee.

Mr. Clark moved to take from the table the report of the committee on accounts on the claim of James Davis which was carried. The report was then recommitted to the same committee.

Mr. Daniel moved to take from the table the report of the committee on accounts on the claim of David of Beale, which was carried, the report was then recommitted to same committee.

Mr. Sibley moved to take from the table an engrossed bill entitled "an act to incorporate the Blakely and Greenville turnpike company:" which was carried. Mr. Greening moved to amend the 9th section of the bill by way of the following engrossed rider: "Provided that no pikeage shall be charged by the said Company on the citizens of Conecuh county in passing to and from Claiborne," which was adopted. Ordered that the House concur in the amendment made by the Senate to said bill in the 8th section thereof, by inserting after the words "Jersey wagon, twelve & a half cents;" insert "each large Jersey or covered wagon with two horses" and by adding a proviso to the end of the ninth section:

Mr. Ratner moved to take from the table a bill to be entitled "an act to provide for the payment of that part of the revenue arising from tavern and retail licenses and Houses of entertainment, into the treasury of the counties respectively:" which was carried. Mr. Greening then moved that the further consideration of the bill be indefinitely postponed: which was carried. Yeas 44—nays 16. The yeas and nays being desired; those who voted in the affirmative are,

Messrs. Speaker, Adams Bradford, Brown, Broadnax Bonnell Clark Colgin Collier Conner Cook Craig Daniel Davis Dennis Durrett Duke Ellis, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lewis, Martin, M'Vay of Land. M'Rae of mon. M'Rae of Frank. Moore of Jack, Perkins, Rainey, Richardson, Robertson, Russ B. Sargent, Sharp, Smith of Clarke, Tarver, Terry, Vaughan, Walthal, Ward, Wiggins—44.

Those who voted in the negative are,

Mr. Anderson Bell Bridges Edmondson, Lawler M'Vay of Law. Mansey, Moore of Mad. Price Rather Sibley, Smith of mad. Stone, Vining Walker, Weissinger.

Mr. Forrest moved to take from the table an engrossed bill entitled "an act for the more speedy trial of chancery causes," which was carried. Mr. Forrest then moved to amend the 2nd section by way of engrossed rider, by adding after the word "districts" the words "in which they may deem it necessary and expedient to do so". Mr. Forrest then moved an amendment to the end of the fifth section by way of engrossed rider.

ger, which was adopted. Mr. Jack then moved to amend the 10th section of the bill by way of engrossed rider, after the word "Justice," "within one mile thereof," which was adopted. Mr. Kelly moved to amend the 12th section of the bill after the word "page" with the words "containing one hundred words." Mr. Forrest moved to amend the bill by adding thereto an additional section numbered 13, which was adopted. Mr. Craig moved that the bill lie on the table till the first day of June next; which was lost. Mr. Clark moved to amend the 6th section by adding after the word "chancery" the words "except as to giving the bond and taking the oath required of the masters in chancery" which was adopted. Mr. Forrest moved to amend the title of the bill by adding the words "to provide," which was carried. The bill was then read a third time as amended and passed. Ordered that the title be as above said. Ordered that the same be sent to the Senate for their concurrence.

Mr. Walker moved to take from the table a bill to be entitled "an act to establish a certain election precinct in Marengo county, which was carried. The bill was then referred to a select committee consisting of Messrs. Walker, Anderson and McVay of Laud.

Ordered that Mr. Rainey have leave of absence until 12 o'clock on Monday next.

Mr. Walker obtained leave to introduce a bill to be entitled "an act to regulate sales of property by constables," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Cook obtained leave to introduce a bill to be entitled "an act concerning affrays, assaults, assaults and batteries," which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Moore of Mad. Resolved, that the Judiciary committee be instructed to inquire into the expediency of requiring the Judges of the county courts to renew their bonds once in every three years.

Mr. Acklen offered the following resolution: Resolved, that the Judiciary committee be instructed to inquire into the expediency of passing a law allowing compensation to jurors for their services and talesman jurors, when their services may be required more than one day in each week of any court; which was lost.

The House then proceeded to the orders of the day. A bill to be entitled an act to apportion the representatives among the several counties in this state, and to divide the state into senatorial districts according to the late census, was then under consideration. Mr. Jack moved that the bill lie on the table until Monday next. Mr. Martin moved that sixty-five copies thereof be printed for the use of the House. A division of the question being called for the vote was first taken on laying the bill on the table; which was carried.

Mr. Duke offered the following resolution: Resolved that the committee on schools, colleges and universities, and school and university lands be instructed to inquire into the expediency of dividing the university fund; which was lost.

A bill to be entitled "an act to authorize county courts to alter state roads in certain cases. Mr. Collier moved to amend the bill by adding the words "the court of revenue and roads" in lieu of "commissioners' court," wherever the words occur; which was adopted. Mr. Colgin moved to amend the bill with the following: which was lost: "the jury to consist of five and receive one dollar per day for their services," which was lost. The bill was then read a second time and ordered to be en-

grossed for a third reading. And then the House adjourned until half past 2 o'clock.

EVENING SESSION, half past 2 o'clock.

The House met pursuant to adjournment.

A bill to be entitled 'an act to provide for the compensation of Jurors.' Mr. Craig moved that the bill be referred to a select committee; which was lost. Mr. Clark then moved that the further consideration of the bill be indefinitely postponed: which was lost. Yeas 18—nays 41. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Bradford Brown Clark Collier Cook Craig Daniel Davis Durrett Duke, Forrest Martin, M'Vay of Laud, M'Vay of Law, Moore of Jack, Price, Rather, Russell.—18.

Those who voted in the negative are,

Mr. Speaker Acklen, Andelson, Bell, Broadnax, Bridges Bonnell Colgin Conner, Dennis, Ellis, Edmondson, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, M'Rae of Mon, M'Rae of Frank, Moore of Mad, Perkins, Richardson, Ross, Robertson Sargent, Sharp, Sibley, Smith of Clarke, Smith of Mad, Stone Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, Wiggins.—41.

Mr. Walker moved to reconsider the vote given on Mr. Craig's motion to refer the bill to a select committee; which was lost. Mr. Greening moved to amend the bill by adding thereto an additional section: which was lost. Mr. Martin then moved that the bill lie on the table: which was carried.

A message from the Governor by James I Thornton, Secretary of state which is as follows:

DECEMBER 14, 1827.

SIR:—I am instructed by the Governor to inform your honorable body that he did, on the 13th instant, approve and sign the following bills: An act to repeal in part and amend the several acts now in force relative to the port and harbor of Mobile. An act authorising a lottery for the benefit of Cyrus Chapter No. 6 of Royal Arch Masons, and Florence Lodge No. 14 of Ancient free Masons in the town of Florence. An act to extend the corporate limits of Bellefont. An act for the relief of Bushrod W. Bell. An act to incorporate the town of Blountsville in the county of Blount. An act to provide for the arranging, filing, and preservation of the papers relating to unfinished business of each session of the legislature. An act better to secure the benefit of the laws exempting certain property from execution to poor families of this state. An act supplementary to an act entitled an act to alter and amend the charter of incorporation of the city of Mobile. An act authorising Samuel B. Ewing administrator of Thomas Ewing deceased, to sell and transfer real estate. An act to authorise the commissioners of the 16th section of the first township and eighth range west of the meridian of Huntsville, situated in the county of Lauderdale, to lease the said section for ninety nine years renewable forever: all of which originated in the House of Representatives and then he withdrew.

Mr. Moore of Jack, obtained leave to introduce a joint resolution, authorising the purchase of a lot therein designated, which was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading on to morrow.

Mr. Walker moved to take from the table a bill to be entitled, an act to provide for the payment of petit and grand juries, in Dallas and Marengo counties, which was carried, the bill was then read a second time.



and the question being put, shall this bill be engrossed and read a third time, it was determined in the negative.

Mr. Bridges moved to take from the table, a bill which was on the motion of Mr. Martin laid on the table, to be entitled, an act to provide for the compensation of jurors, which was carried. Mr. Moore of Mad, moved the following amendment, "to be paid at the time by the successful party, and to be taxed in the bill of cost and collected as other cost, which was lost. Mr. Martin then moved to amend the bill by adding thereto, an additional section, which was lost, and then the House adjourned until to morrow morning 10 o'clock.

SATURDAY, December 15th 1827.

The House met pursuant to adjournment.

Mr. Harris presented the petition of William Jourdan, praying compensation for building the Court House in Washington county which was read and referred to the committee on propositions and grievances.

Mr. Vaughan moved to reconsider a vote given on yesterday on the question to adopt Mr. Dukes resolution, which was lost, yeas, 16, nays 49.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Bell, Bridges, Craig, Daniel, Davis, Duffett, Duke, Edmondson, M'Vay of Land, M'Vay of Law, M'Rae of Frank, Rather, Robertson, Russell, Sargent, Vaughan, 16.

Those who voted in the negative are, Mr. Speaker, Acklen, Anderson, Bradford, Brown, Broadnax, Bonnell, Clark, Colgin, Collier, Cramer, Cook, Dennis Ellis, Forrest, Greening, Harris, Higgins, Jack Kelly, Lawler, Lewis, Martin, M'Rae of Mon, Massey, Moore of Jack, Moore of Mad, Perkins, Richardson, Ross, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Vining, Walker, Walthal Ward, Weisinger, Wiggins, 49.

On motion of Mr. Perkins, Resolved with the concurrence of the Senate the two Houses of the General Assembly, will on Tuesday next at half past 2 o'clock post meridian go into the election of President and Directors for the Bank of the State of Alabama, for the year 1828.

On motion of Mr. Acklen, Resolved that the military committee be instructed to enquire into the expediency of raising the rank of the Adjutant General of this state, to the rank of brigadier General, and report by bill or other wise.

A message was received from the Governor, by James I. Thornton Secretary of state, and is as follows.

DECEMBER 15th, 1827.

Mr. Speaker, I am instructed by the Governor to inform your honorable body, that he did on the 14th inst. approve and sign the following bills; An act prescribing the mode of commencing the contest of certain elections, and of procuring evidence therein. An act to change the name of, and legitimate a certain person therein named. An act to divorce Peggy Seay from Nicholas Seay. An act to divorce Elizabeth W. Cowell from Samuel Cowell. An act to divorce William Travis from Elizabeth Travis. An act to divorce Joseph Cadole from Nancy Cadole. An act to divorce William O. Russell from Nancy G. Russell, and an act to divorce Abraham Danner from Anna Danner, all of which originated in the House of Representatives.

A bill to be entitled, an act to provide for the compensation of jurors, Mr. Clark moved to strike out the latter part of the 1st section commencing at the word "and," which was lost, yeas 4, nays 55.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Clark, Davis, Moore of Jack, Russell.

Those who voted in the negative are, Mr. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Colgin, Collier, Comer, Cook, Craig, Daniel, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of La Gr., M'Vay of La., Massey, M'Rae of Mon., M'Rae of Frank, Moore of Mad., Perkins, Rather, Richardson, Ross, Robertson, Sargent, Sharp, Sibbey, Smith of Clark, Smith of Mad., Stone, Tarver, Terry, Vaughan, Vinson, Walker, Walther, Ward, Weisinger, Wiggins, &c.

Mr. Martin moved to amend the bill by striking out the first section, which was lost. Mr. Cook then moved to amend the first section of the bill, by adding after the word "persons," the words "of the original tenure," which was adopted. Mr. Perkins moved to amend the first section of the bill by adding after the word "persons," the following, "provided that persons, who have more than one day in succession, shall be considered as one of the original tenors."

Mr. Greening then called for the previous question, which was Mr. Perkins' amendment to the bill, the question was then put on Mr. Perkins' amendment, which was carried.

Mr. Kelly offered the following amendment, in all cases brought by depeud or returned from a justice of the peace, the sum of—cents in all cases of slander and libel, such as in the sum of— in all actions of trespass with force and arms, the sum of— in all cases involving the title of land, the sum of— Mr. Kelly moved further to amend the bill by adding the return to a personal action, a division of the question being called, the vote was first taken on the adoption of the first amendment, which was lost. The vote was then taken on the adoption of the amendment proposed, which was carried. Mr. Greening then moved that the bill be read a third time, and that the bill be engrossed and read a third time on Monday next, and the bill was then read a second time and the question being put, shall the bill be engrossed and read a third time on Monday next, it was determined in the affirmative, yeas 24, nays 25.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Acklen, Anderson, Brown, Broadnax, Bridges, Bonnell, Colgin, Comer, Collier, Cook, Dennis, Ellis, Greening, Harris, Higgins, Jack, Kelly, Lewis, M'Rae of Mon., Richardson, Ross, Sargent, Sharp, Smith of Clark, Smith of Mad., Stone, Tarver, Terry, Walker, Walther, Ward, Weisinger, Wiggins, &c.

Those who voted in the negative are, Mr. Bell, Bradford, Clark, Craig, Daniel, Davis, Durrett, Duke, Edmondson, Forrest, Lawler, Martin, M'Vay of La Gr., M'Vay of La., Massey, M'Rae of Frank, Moore of Jack, Moore of Mad., Perkins, Rather, Robertson, Russell, Sibbey, Vaughan, Vinson, &c.

Mr. Bonnell from the select committee to whom was referred a bill to be entitled, an act to alter the boundaries of several counties therein named, report the same without amendment, it was then read a second time and ordered to be engrossed for a third reading on Monday next.

Mr. Ellis moved to take from the table, a joint resolution adopting a plan for the State Capitol, which was carried.

Mr. Ellis then moved that the house concur in the amendment made by the Senate, by striking out the words "the Clerk of the House of Representatives," and insert "the Secretary of the Senate," and by adding another member to the resolution, which is as follows; *And be it further resolved*, that the commissioners shall make the contracts so as not to exceed the estimate of cost furnished by the Architect, that is to say, fifty-five thousand dollars," which was carried; the amendments was then concurred in by the House.

Engrossed bill entitled, an act to provide for ascertaining the sense of the citizens of Autauga county with regard to the seat of justice in said county, was read a third time and passed: *Ordered*, that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed joint resolution authorizing the purchase of a lot therein designated. Mr Kelly moved that the resolution lie on the table, which was carried.

Engrossed bill from the Senate entitled, an act for the benefit of the Pikeville Library company, was read a third time and passed: *Ordered* that the title be as aforesaid: *Ordered* that the Clerk acquaint the Senate therewith.

Mr. Lewis from the committee on the State Bank to whom was referred a resolution instructing them to enquire into the expediency of providing for the erection of the State Capitol out of the seat of Government here, and also a resolution instructing them to enquire into the expediency of transferring so much of the funds of the University as remains in the Treasury, to the State Bank as capitol stock, reported a bill to be entitled, an act to amend an act entitled an act providing for the erection of a state Capitol and for other purposes, which was read a first time and ordered to be read a second time on Monday next.

A bill to be entitled, an act to condemn a lot in the town of Tuscaloosa for the use of the State. Mr. Collier moved to amend this bill by way of proviso. Mr. Terry then moved to amend the proviso by inserting three hundred, instead of five hundred, which was carried. the question was then put on the adoption of the amendment, which was lost. Mr. Kelly moved to amend the bill by adding thereto an additional section, which was carried. Mr. Moore of Jack. moved to amend the same by adding thereto an additional section, which was carried. The bill was then read a second time as amended, and ordered to be engrossed for a third reading on Monday next.

Mr. Clark obtained leave to introduce a bill to be entitled, an act to establish the dividing line between the counties of Bibb and Tuscaloosa, according to the existing law, which was read a first time and ordered to be read a second time on Monday next.

A bill to be entitled, an act authorizing Wyatt Harper administrator of William Bates deceased, to sell and transfer real estate, was on motion of Mr. Colgin referred to the judiciary committee.

A bill to be entitled, an act to authorise the county court of Butler county, to make further sales of lots in Greenville. Mr. Cook moved to amend the bill by adding thereto an additional section, which was carried, the bill was then read a second time as amended and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled, an act to give a more summary remedy on bonds to keep the prison bounds, and to surrender property with a view to take



the insolvent oath. Mr. Craig moved that the bill lie on the table till the first day of June next, which was lost, it was then read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled, an act to regulate sales of property by constables. Mr. Bradford moved that the further consideration thereof be indefinitely postponed, which was carried.

Mr. M'Rae of Frank. offered the following resolution: *Resolved* that the committee to whom was referred the message of his Excellency the Governor, recommending a location of the University, be instructed to draft a bill providing for the location of the University at the present session of the General Assembly. Mr. Walker moved that the resolution lie on the table; which was carried.

A bill to be entitled "an act to locate the seat of Justice in the county of Tuscaloosa." Mr. Perkins moved that it lie on the table until Tuesday next, which was carried.

A bill to be entitled "an act concerning affrays, assaults, and assaults and batteries." was read a second time and ordered to be engrossed for a third reading on Monday next. And then the House adjourned until 10 o'clock on Monday next.

MONDAY, December 17, 1827.

The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon.

Mr. Speaker.—The Senate concur in the amendment made by your honorable body to their amendment, to the bill entitled "an act to incorporate the Blakey and Greenville turnpike Company." They have passed a bill which originated in the House of Representatives entitled "an act to alter the boundary line between the counties of Shelby and Antaga," and have amended the same by striking out all after the enacting clause and by substituting the accompanying section in lieu thereof: In which amendment they desire your concurrence. They have also passed a bill and joint resolution which originated in the House of Representatives, entitled "an act to amend an act to authorise clerks and magistrates to collect costs in certain cases, and a joint resolution requiring the Comptroller of public accounts to furnish the tax collectors and county court clerks with a certified copy of the revenue law of this state. And then he withdrew.

Mr. Walker presented the account of Sterling E. Harrison, Jailor of Dallas county; which was read and referred to the committee on accounts.

Mr. M'Rae of Mon. presented the account of Campbell Sharp, Jailor of Monroe county; which was read and referred to the committee on accounts.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Marengo county, praying relief to Dempsey Sturdevant; *Reported*, that the prayer of the petitioner is unreasonable and ought not to be granted; in which report the House concurred.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Bibb county, praying that the civil law so far as respects the recovery of debts be suspended &c. *Reported* that it is inexpedient to legislate on the subject. In which report the House concurred.

Mr. Vaughan from the select committee to whom was referred the bill from the Senate entitled "an act to incorporate the Sommerville Phila-

mathian society, reported it without amendment. It was then read a second time and ordered to be read a third time on tomorrow.

Mr. Lawler from the select committee to whom was referred the petition of the inhabitants of the town of Columbia in Shelby county, praying the passage of a law to authorise the election of a Justice of the peace in said town; *Reported* a bill to be entitled "an act to authorise the election of a Justice of the peace in the town of Columbia in Shelby county;" which was read a first time and ordered to be read a second time on tomorrow.

An engrossed bill entitled "an act to alter the boundary line between the counties of Shelby and Autauga," was laid on the table.

Mr. Ellis from the committee on enrolled bills *Reported* that they had examined and found correctly enrolled, bills of the following titles, to wit: A joint resolution adopting a plan for a state Capitol; an act to appoint commissioners for the county of Dale; and for other purposes; an act to authorise Isham R. Houze to bring to this state the slaves of Susan B. Houze; an act to authorise Ansel Sawyer to erect a mill on Coosa river; an act to divide the 22d regiment of the militia of this state; an act supplementary to an act entitled an act concerning executions and sales by sheriffs, and for other purposes, passed December 20th 1820; and an act to establish a permanent seat of justice in the county of Henry, all of which originated in this House.

Mr. Sibley obtained leave to introduce a bill to be entitled "an act in relation to a certain fund therein mentioned;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Higgins from the select committee to whom was referred the petition of sundry citizens of the town of Montgomery, *Reported* a bill to be entitled "an act to amend an act to incorporate the town of Montgomery," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack, obtained leave to introduce a bill to be entitled "an act to establish the 52d regiment of Alabama militia," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Massey obtained leave to introduce a bill to be entitled "an act to extend to St. Clair county, concurrent civil and criminal jurisdiction with Autauga county in the Creek Nation;" which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Ross *Resolved* that the select committee raised on the part of this House to investigate the official conduct of the honorable A. S. Lipscomb, one of the Judges of the Supreme court of this state on charges preferred by George F. Salle, have leave to sit during the session of the House.

Mr. Perkins obtained leave to introduce a bill to be entitled "an act the better to designate free people of color;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Daniel from the committee appointed on the part of this House to confer with the committee appointed on the part of the Senate as to the matters of disagreement between the two Houses upon the amendment adopted by this House, to the bill which originated in the Senate entitled "an act for the relief of William Ferguson," *Reported* that they have had the same under consideration and have agreed to the amendment as adopted by this House. Mr. Martin then moved that the report lie on the table; which was carried.

Mr. Martin from the committee on propositions and grievances to whom was referred the memorial and accompanying documents of Edward Davis *Reported* that it is inexpedient to grant the prayer of the memorial in which report the House concurred.

Mr. Davis obtained leave to introduce a bill to be entitled "an act to authorise the county court of Jackson county to levy an extra tax; which was read a first time and ordered to be read a second time on tomorrow.

Mr. Kelly presented the account of James G. Birney Esq. late solicitor of the 5th Judicial circuit, which was read and referred to the committee on accounts.

Mr. Kelly presented the petition of Johnson Harrison and Aaron Harrison praying compensation for apprehending prisoners which was read and referred to the committee on propositions and grievances.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Lawrence county praying relief to Andrew O. Horn *Reported* that it was inexpedient to grant the relief prayed for in which report the House concurred.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of Edith Peavy, *Reported* that it is inexpedient to grant the relief prayed for. Mr. Acklen moved that the report lie on the table; which was not. The report was then concurred in by the House.

Mr. Colgin presented the account of Daniel B. Richardson, which was read and referred to the committee on accounts.

Mr. Greening obtained leave to introduce a bill to be entitled "an act to emancipate certain slaves therein named, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Stone obtained leave to introduce a bill to be entitled "an act to amend an act entitled an act concerning roads, highways, bridges, and ferries in the county of Mobile," which was read a first time and ordered to be read a second time on tomorrow.

A bill to be entitled "an act to establish an office of Discount and deposit of the Bank of the state of Alabama" was on motion of Mr. Smith of mail, taken from the table. Mr. Walker moved to amend the 1st section by adding after the word deposit, "of the Bank of the State of Alabama;" which was carried. Mr. Terry moved to amend the bill by adding thereto a 10th section numbered eight; which was carried. Mr. Walker moved to amend the 2d section after the word "president" the words "and directors" which was carried. Mr. Forrest moved to strike out the word "and" in the 3d section; which was carried. Mr. Forrest moved further to amend the bill by inserting in the 3d section the word "and" before the word "exchange" and by striking out the words "and in and" which was carried. Mr. Walker moved to amend the bill by striking off "principal" wherever it occurs and insert "aforesaid" after the word "banks" which was lost. Mr. Greening then moved to amend the 3d section of the bill with the following: "and no note or bill of other instrument for the payment of money shall be discounted for any person residing in the aforesaid counties by the principal banks" which was adopted. Mr. Perkins moved to amend by inserting "funds" after the words bank notes; which was carried. Mr. Forrest moved to amend the 3d section by inserting the following: "and no note or bill or other instrument for the payment of money shall be discounted at the office of discount and deposit, except for residents of the counties herein named."



which was adopted. Mr. Greening moved to amend the 3d section of the bill by inserting at the end thereof the following: "and in the amount of discount to the aforesaid counties the office of discount and deposit shall be governed by such rules and regulations as may be prescribed by the principal bank;" which was adopted. Mr. Greening moved to strike out the word "clerk" wherever it occurs in the bill, and insert "teller;" which was carried. Mr. Walker moved to amend the 4th section by striking out the words "and such other servants as may be necessary" which was lost. Mr. Perkins moved to amend the 6th section with the words "of the principal bank" which was carried. The bill was then read a second time as amended and ordered to be engrossed for a third reading tomorrow.

Engrossed bills of the following titles, to wit: an act to authorize the county court of Butler county to make further sales of lots in Greenville; an act to alter the boundaries of certain counties therein named, an act concerning affrays, assaults, and assaults and batteries; an act to give a more summary remedy on bonds, to keep the prison bounds and to surrender property with a view to take the insolvent oath; were severally read a third time and passed. Ordered, that the titles be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

On motion of Mr. Harris the House then resolved itself into a committee of the whole House on the joint resolution proposing amendments to the constitution of the state of Alabama. Mr. Ross in the chair and after some time spent in the consideration of the same the committee rose. Mr. Speaker resumed the chair and leave was asked to be discharged from the further consideration thereof which was granted.

A bill to be entitled "an act to establish the principles of decision in certain cases in law and equity" was referred to the Judiciary committee.

Engrossed bill to be entitled "an act to condemn a lot in the town of Tuscaloosa for the use of the state" was read a third time. Mr. Greening moved to amend the bill by way of the following engrossed rider: *Provided*, that if the owner of said lot will consent to take the sum of seven hundred and fifty dollars for the same lot, then so much of this act shall be considered null and void as relates to the condemnation of said lot. Mr. Weisinger then moved that the further consideration of the bill be indefinitely postponed. And then the House adjourned to half past 2 o'clock.

#### EVENING SESSION, Half past 2 o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of Mr. Weisinger's motion to postpone indefinitely the bill entitled "an act to condemn a lot in the town of Tuscaloosa for the use of the state; which was carried. Yeas 33—nays 22. The yeas and nays being desired, those who voted in the affirmative are:

Messrs. Brown, Broadnax, Bridges, Clark, Cook, Craig, Dennis, Durrett, Duke, Forrest, Higgins, Lawler, M'Vay of Laid, M'Vay of Law, Massey, M'Rae of Mon, Moore of mad, Rainey, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Smith of mad, Stone, Tarver, Terry, Vaughan, Vining, Walhal, Weisinger, Wiggins—33.

Those who voted in the negative are:

Messrs. Speaker, Acklen, Anderson, Bell, Bonnell, Colgin, Collier, Davis, Ellis, Edmondson, Greening, Jack, Kelly, Lewis, Martin, M'Rae of Frank, M'ore of Jack, Perkins, Sibley, Smith of Clarke, Ward—22.

Mr. Rainey obtained leave to introduce a joint resolution changing the site for the state Capitol, which was read a first time. Mr. Perkins moved that the resolution lie on the table until the first day of March.

next; which was carried. Yeas 37—nays 20. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen, Anderson, Bell, Brown, Broadnax, Bridges, Bunnell Clark, Conner, Cook, Craig, Dennis, Durrett, Ellis, Forrest, Greening, Kelly, Lawler, Lewis, M'Vay of Land, M'Vay of Mon. M'Vay of Frank, Perkins, Rather, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Mad. Ferry, Walker, Walthal, Ward, Weisinger—37.

Those who voted in the negative are,

Mr. Colgin, Collier, Daniel, Davis, Duke, Edmondson, Harris, Higgins, Jack, Martin, McVay of Law, Massey, Moore of Jack, Moore of Mad. Rainey, Richardson, Ross, Sibley, Stone, Tarver, Vaughan, Vining—20.

Mr. M'Vay of Mon. presented a supplemental census of Monroe county; which was laid on the table.

A bill to be entitled "an act to apportion the representatives among the several counties in this state, and to divide the state into senatorial districts according to the late census, was on motion of Mr. Rather laid on the table. Yeas 33—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Acklen, Bell, Colgin, Collier, Conner, Craig, Daniel, Davis, Durrett, Ellis, Edmondson, Forrest, Jack, Kelly, Lawler, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Vay of Mon. M'Vay of Frank, Moore of Jack, Moore of Mad. Perkins, Rainey, Rather, Robertson, Sibley, Smith of Mad. Vaughan, Vining, Wiggins—33.

Those who voted in the negative are,

Mr. Speaker, Anderson, Brown, Broadnax, Bridges, Fannell, Clark, Cook, Dennis, Duke, Greening, Harris, Higgins, Lewis, Richardson, Ross, Russell, Sargent, Sharp, Sibley, Smith of Clarke, Stone, Tarver, Terry, Walker, Walthal, Ward, Weisinger—27.

On motion of Mr. M'Vay of Frank, Resolved that a select committee be appointed to consist of one or more members from all the counties from which new counties have been formed, and the population of said new counties do not entitle them to a representative, and report what number each of said counties are entitled to from said new counties, and furnish a rule by which the members can make some certain calculation what number of representatives each county will be entitled to when the ratio is fixed: whereupon Messrs. Duke, Perkins, Ellis, Brown and Forrest were appointed said committee.

A bill to be entitled "an act to authorize the administrator of Daniel M. Mitchell to make and receive a surrogates of title to certain real estate" was read a second time and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled "an act to authorize the sales of sixteenth section and for other purposes," then being on its second reading, Mr. Smith of Clarke moved to amend the 6th section by inserting after the word "authorized" and before the word "pay," the words "designate certain parts of sections or" which was lost. Mr. Bridges moved to amend the 4th section by striking out 165 and inserting in lieu thereof the word "20," which was adopted. Mr. Cook moved to amend the 5th section by adding the words "and a majority shall be sufficient to authorize a sale."

On motion of Mr. Moore of Jack, the House then resolved itself into a committee of the whole on said bill. Mr. Moore of Jack, in the chair; and after some time spent in the consideration of the same, the committee rose. Mr. Speaker resumed the chair, and Mr. Chairman Reported the bill with an amendment; which was concurred in by the House, and leave was asked to be discharged from the further consideration thereof; which

was granted. And then the House adjourned until tomorrow morning half past 9 o'clock.

TUESDAY, December 18, 1827.

The House met pursuant to adjournment.

Mr. Greening from the Judiciary committee to whom was referred the bill to be entitled "an act to permit executors and administrators to sell the real estate of their testators or intestates where it may be for the benefit of the heirs. Reported an amendment to the bill by striking out all after the enacting clause and by substituting in lieu thereof another bill: in which amendment the House concurred.

Mr. Forrest presented the petition of sundry inhabitants of Jefferson county, praying the passage of a law allowing Jurors additional compensation; which was read and referred to a select committee consisting of Messrs. Forrest, Brown and Weisinger.

Mr. Walker presented the report of the commissioners appointed to ascertain the diminished value of the town property in the town of Cabawba; which was read and referred to the committee on propositions and grievances.

Mr. Smith of Clarke, presented the petition of sundry inhabitants of Clarke county, praying the passage of a law to extend the limits of Clarke county; which was read and referred to the committee on county boundaries.

Mr. Stone presented the petition of John Fowler, praying an extension of an act passed 26th December 1822, for his benefit; which was read and referred to a select committee consisting of Messrs. Stone, Ross and Sibley.

Mr. Lawler presented the petition of Robert W. Henry praying compensation for guarding prisoner; which was read and referred to the committee on propositions and grievances.

Mr. M'Rae of Mon. presented the memorial of the Grand Jury of Monroe county, praying an alteration in the law on the subject of punishing slaves charged with capital offences; which was read and referred to the same committee as the one from Washington county on that subject.

Mr. Ross presented the petition of sundry citizens, merchants, &c. of the city of Mobile, praying additional compensation to the public Weigher in said city; which was read and referred to a select committee consisting of Messrs. Ross, Harris, Wiggins, Bridges, and Weisinger.

Mr. Smith of Clarke, presented the petition of sundry inhabitants of Clarke county, praying to incorporate a company by the name of the "Suggsville Cavalry Company;" which was read and referred to the committee.

Mr. Acklen presented the petition of the President and others of the town of Whitesburg, praying to be exempt from working on roads without the limits of said town; which was read and referred to a select committee consisting of Messrs. Acklen, Moore of mail, and Vining.

Mr. Speaker laid before the House the supplemental return of the census of Limestone county; which was read and laid on the table.

Mr. Ellis from the committee on enrolled bills, Reported that the committee have examined and found correctly enrolled, bills of the following titles, to wit: an act to amend an act entitled an act excluding from suffrage, serving as jurors, and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors, which originated in the Senate: an act to amend an act to authorize



clerks and magistrates to collect costs in certain cases: an act to authorize the sheriffs of Walker, Dale and Covington counties to execute precepts issued by Justices of the peace, which originated in this House.

Mr. Walker from the select committee to whom was referred a bill to be entitled "an act to establish certain election precincts therein named" Reported the same with an amendment; which was concurred in by the House. Mr. Vining moved to amend the bill by adding thereto an additional section; which was carried. Mr. Walker moved to amend the bill by adding thereto an additional section; which was carried. Mr. Moore of Jack. moved that the bill be re-committed to the same committee—which was carried. Mr. Walker moved that Mr. Moore of Jack. be added to said committee; which was carried.

A message from the Senate by Mr. Garrah.

Mr. Speaker—The Senate is pursuant of the recommendation of the committee of conference, arising from their disagreement to the amendment made by your House—said body to the bill entitled, an act for the relief of William Ferguson.

They have read three several times and passed bills which originated in this House entitled, an act more effectually to prevent frauds, and false claims and expenses, and for other purposes; and an act concerning the owners and keepers of mills, and other water works, in which they desire your concurrence.

They have also passed a bill which originated in the House of Representatives entitled, an act relative to officers before Justices of the peace, and for other purposes; and thereby will close.

Mr. Farver from the select committee to whom was referred the bill from the Senate entitled, an act to amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson, passed the 20th December 1826. Reported the same with the following amendments, viz. in the 4th line of the 1st section between the words, "one" and percentum, insert the word quarter. in the 13th line of the first section, strike out the words "one dollar" and insert 25 cents. in the 23d line of the first section strike out the words "one dollar" and insert twenty five cents, which was concurred in by the House.

Mr. Farver from the select committee to whom was referred the petition of the members composing the medical board from the district of Cahawba, reported a bill to be entitled, an act to change the place of holding the medical board for the district of Cahawba, which was read a first time and ordered to be read a second time on tomorrow.

Mr. M'Vay of Land. offered the following resolution: *Resolved*, that there shall be no more business introduced into this House after Monday next. Mr. Terry moved that the resolution lie on the table, which was carried, yeas 58—nays 20.

The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Speaker, Anderson, Bell, Bradford, Brown, Broadnax, Bonnell, Clark, Collier, Connor, Daniel, Davis, Dennis, Duke, Ellis, Forrest, Jack, Lawler, Lewis, Martin, Massey, M'Rae of Frank, Moore of Jack, Perkins, Price, Richardson, Ross, Russell, Stone, Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, 58.

Those who voted in the negative are.

Mr. Bridges, Colgin, Cook, Craig, Durrett, Edmondson, Harris, Higgins, M'Vay of Land. M'Vay of Law. M'Rae of Mon. Moore of

Mad. Rainey, Rather, Robertson, Sargent, Sharp, Sibley, Smith of Mad. Wiggins. -0.

Bills of the following titles to wit. A joint resolution proposing amendments to the Constitution of the state of Alabama.

An act to authorise the Judge of the county court of Monroe county and the commissioners of roads and revenue, to lay a special tax for the purpose therein mentioned.

An act for the relief of Henry T. Anthony. An act for the relief of David McFarlane. An act for the relief of William Jones of Walker county. An act to repeal an act passed 23d December 1824, concerning divorce and for other purposes.

An act to authorise the raising of three thousand dollars, for the purpose of building a bridge across Shoal creek, were severally read a second time and ordered to be engrossed for a third reading on to morrow.

Mr. Lawler moved to take from the table the engrossed bill entitled, an act to alter the boundary line between the counties of Shelby and Augusta, which was carried. Mr. Terry moved to amend the amendment made by the Senate, by striking out the word "thirteen," which carried, the amendment then as amended was concurred in by the House.

Engrossed bills from the Senate of the following titles to wit. An act concerning the owners and keepers of mills, and other water works.

An act more effectually to prevent frauds and fraudulent conveyances, and for other purposes, were severally read a first time and ordered to be read a second time on to morrow.

Mr. Jack obtained leave to introduce a bill to be entitled, an act to authorise sheriffs to take bonds in certain criminal cases which was read a first time and ordered to be read a second time on to morrow.

Mr. Harris obtained leave to introduce a bill to be entitled, an act to amend in part an act entitled an act to reduce into one the several acts concerning roads bridges ferries and highways, which was read a first time and ordered to be read a second time on to morrow.

Mr. Bridges obtained leave to introduce a bill to be entitled, an act to repeal in part and amend an act respecting slaves, passed March 6th 1825, which was read a first time and ordered to be read a second time on to morrow.

A bill to be entitled, an act to render overseers of roads accountable for certain monies coming into their hands. Mr. Craig moved that the bill lie on the table until the first day of April next which was carried.

Engrossed bill entitled, an act to amend the 3d section of an act passed at the last session of the Legislature, to compensate the commissioners appointed by the Governor, for ascertaining and marking the permanent boundary line between this State and Georgia, was on motion of Mr. Acklen, laid on the table until to morrow.

Engrossed bill from the Senate entitled, an act for the further relief of securities, was on motion of Mr. Martin, referred to the judiciary committee.

A bill to be entitled, an act extending the duties of the school commissioners of the 16th sections was referred to the committee on schools colleges and universities, and school and university lands.

A bill to be entitled, an act to provide for ascertaining the wishes of the citizens of Dallas county with regard to the seat of justice in said county, was laid on the table.

A bill to be entitled, an act to compensate Hiram Shortridge for certain

services rendered the Legislature of this State, was referred to the committee on accounts.

A bill to be entitled, an act to establish the 52d Regiment of Alabama militia, was referred to the military committee.

A bill to be entitled, an act to establish a certain election precinct in Marengo county. Mr. Anderson moved that it lie on the table, which was carried.

Engrossed bill from the Senate entitled, an act to give Justices of the peace jurisdiction of certain contracts therein named, was read a third time and passed: Ordered that the Clerk acquaint the Senate therewith.

Engrossed bills of the following titles to wit, an act to define the corporate limits of the town of Sparta in Conecuh county, and for other purposes.

An act to authorise the administrators of Daniel Mitchell to make and receive assurances of titles to certain real estate. An act to authorise county courts to alter State roads in certain cases. An act to amend a certain act therein mentioned. An act altering the punishment of felony and counterfeiting in certain cases, were severally read a third time and passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled, an act for the relief of James Holms, was read a third time and on the question being put, shall this bill pass, it was determined in the affirmative, yeas 41—nays 17.

The yeas and nays being desired, those who voted in the affirmative, Mr. Messrs. Speaker, Acklen, Anderson, Bell, Broadnax, Bridges, Bonnell, Colgin, Cullien, Comer, Cook, Craig, Daniel, Dennis, Darrett, Duke, Edmundson, Farnock, Harris, Higgins, Kelly, Lawler, Martin, McRae of Macon, Moore of Jackson, Rainey, Richardson, Ross, Russell, Sargent, Sharp, Silbey, Smith of Clark, Stone, Tarver, Terry, Vaughan, Walker, Walshaw, Ward and Wellington.

Those who voted in the negative, Mr. Messrs. Bradford, Brown, Clark, Davis, Greening, McVay of Land, McVay of Law, Massey, McRae of Franklin, Moore of Macon, Perkins, Price, Rather, Robertson, Smith of Madison, Vining, and Wiggins.

Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Mr. Kelly presented the petition of sundry citizens of Hazlegreen, praying the passage of a law to authorise the election of a Justice of the peace and Constable in said town.

Mr. Vining presented the petition of sundry citizens of said town, protesting against the passage of the law, as proposed in the petition presented by Mr. Kelly, the petitions were severally read and referred to the representation from Madison county.

Engrossed bill from the Senate entitled, an act relative to the duties of grand juries, was read a second time and ordered to be read a third time on tomorrow.

Engrossed bill to be entitled, an act to repeal in part an act passed 12th day of January 1827, entitled an act to require additional services to be performed by the Judge of the first judicial circuit, was read a third time. Mr. Ross moved to amend the bill by way of the following engrossed rider. "And be it further enacted, that whenever any Judge in this State shall hold an extra term of the circuit court in pursuance of law, he shall receive in addition to the salary now allowed by law, the



sum of one hundred dollars for each week he may be so employed, to be paid on the certificate of the Clerk of such court, which was lost, yeas 6 — nays 51.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Jack, Rainey, Ross, Richardson, Sibley, and Stone.

Those who voted in the negative are, Messrs. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Collier, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Ellis, Edmondson, Forrest, Greening, Harris, Kelly, Lawler, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Rather, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Mad, Tarver, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, and Wiggins.

Mr. Collier then moved to amend the bill by way of the following engrossed rider, "and be it further enacted, that said Judge be allowed in addition to his present salary, the sum of one hundred and seventy five dollars, for the extra service required of him by the above recited act, which was lost, yeas 11 — nays 44.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Speaker, Bonnell, Collier, Greening, Harris, Lewis, Rainey, Ross, Sibley, Stone, and Tarver.

Those who voted in the negative are, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Clark, Colgin, Conner, Cook, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Higgins, Jack, Kelly, Lawler, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Mad, Terry, Vaughan, Vining, Walker, Walthal, Ward, Weisinger, and Wiggins.

The bill was then passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence, and then the House adjourned till half past 2 o'clock.

#### EVENING SESSION, Half past 2 o'clock.

The House met pursuant to adjournment.

Mr. Ellis moved to take from the table the bill to be entitled, an act to locate the seat of justice in the county of Tuscaloosa, which was carried. Mr. Jack moved that it be referred to a select committee, which was carried, it was then referred to Messrs. Jack, Perkins, Ellis, Collier, Weisinger, and Terry.

Mr. Lewis submitted the following report: The committee on the state bank having been instructed by a resolution of the House of Representatives, to ascertain whether the President and Directors of the State Bank, have determined to erect a banking house, and if so, how far the same has progressed, and what amount of money has been expended on the same, and what amount will be necessary to complete it, and if any difference of opinion existed among said directors, as to the power and expediency of erecting said building, to report the reasons of such difference of opinion, and that the said committee be required to ascertain, whether the President and Directors have any power to erect a banking house, and to purchase real estate for that purpose, and whether any necessity exists for the erection of such building, and that the President and Directors be required to furnish the information contemplated in this resolution: — *Res* leave respectfully to present document No. 1, contain-

ing the views of a majority of the board, document No. 2, signed by Simon L. Perry and A. H. Gazzam, also document No. 3, signed by Benjamin B. Fontaine President. Mr. Lewis from the same committee made the following report. The committee on the state bank being required by a resolution of the House of Representatives, to express an opinion on the power and expediency of erecting a banking house, it is with regret that they are compelled by their honest convictions to differ with a majority of the board of Directors on both of these points. The provision in the charter mainly relied on to sustain the power in question, is to be found in the 20th article of the 9th section of the act of incorporation, which authorises the President and Directors to purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, hereditaments, tenements, goods, chattels and effects of what nature kind or quality, so ever and the same to sell &c. These powers are common to, and essential property of every corporate body, they appertain with as much effect to a limited company, or an incorporation of trustees for a county academy as to the board of Bank Directors without these essential rights, corporations would not be placed on a footing with a natural person, in the ordinary operation of trade. They furnish to a banking institution particularly the power means of effectually securing debts due the same in the course of its regular banking transaction, but the committee cannot believe that the power to purchase real estate for the purpose of erecting a banking house, and of appropriating an indefinite sum on such erection, was ever conveyed in terms so general and in their nature so indirectly to the public. It is a power but remotely connected with, and incidental to the main object for which the bank was created, and should therefore, if it was at all, have intended to dispose of its general Legislative control in relation to this matter have been expressed in language plain and specific. It involves the great power of raising and appropriating revenue so strictly guarded by the constitution that all bills in relation to the same must originate in the House of Representatives.

Implied powers are at all times fraught in their character, and dangerous in their consequences, sanctioned by precedent they acquire the force of law and frequently terminate in subverting the landmarks prescribed for the limitation of the powers of public servants. In the present case if the directors can in any business foreign to, and unconnected with the regular transactions of the bank, purchase and sell real estate, there is nothing to prevent them from engaging constantly and regularly in an indiscriminate speculation in land, property they might in pursuance of imaginary schemes of speculation, invest any quantity of the capital stock of the bank in buying and improving real estate and when called on to answer for perverting so much capital to purposes other than the regular transactions of the bank, reply that they were authorized to do so by that provision, which gave them the right to purchase and sell real estate, but it is said that the power to build a banking house, is not usually given in so many words to banking corporations, that it is invariably exercised as an indisputable right. To entitle this argument to any weight, it must be shown that a bank established on the same principles as the state bank of Alabama has exercised the same power under a charter containing similar provisions, and that this act has been approved by a competent judicial tribunal, any inferences predicated on analogy between a state bank and a stock bank, must be fallacious. In the case of a state bank, the state being sole owner of the capital it exer-

exercises a controlling influence and supervision over its concerns and directs all its movements except in the regular transactions of banking operations.

All power not expressly conveyed to the Directors the state retains subject to be exercised at the discretion of the Legislature. A state bank is in effect a state treasury, and in the nature of things, a treasurer would have the same right to build a treasure house, as the directors would have to build a banking house. To say that a power is incidental to the charter, is nothing more nor less than to say that the Legislature, by refusing to exercise a power known to be absolutely necessary, have by such refusal admitted the right of the directors, to do an act of such absolute necessity, that without it the regular transactions of the bank must be suspended; this proposition is based on the obvious principle, that powers are incidental only when they are essentially and unavoidably necessary and proper to carry some express laws into effect, nothing short of the most rigid necessity, can justify their exercise.

The question then presents itself, did such imperious necessity exist for the erection of a banking house, as that the bank must suspend its regular transactions until such erection? surely not. Then the power is not incidental, because not indispensable to the carrying of an express and substantive power into effect. But it is urged that the danger apprehended from fire, and the expense of house rent, authorised the act.— These are objections going only to the expediency of the measure, and were proper subjects of consideration with the Legislature, who had the undoubted right to legislate on the subject, and who have uniformly, since the establishment of the bank, exercised that right. In a proviso to the 21st section of the 9th article of the act of incorporation, the amount to be expended in the erection of a banking house, is limited to eight hundred dollars, till a given time. In the 22d section of an act of the Legislature of 1825, two thousand dollars are appropriated for the removal of the bank to Tusculocoma, and for providing and fitting up a house suitable for the reception of the same. A part of this appropriation has not been expended, as appears by a report of the comptroller referred to your committee. By an act of the last session of the General Assembly, providing for the erection of a state Capitol, the commissioners were bound to have the capitol built on such plan as should be furnished them by the Legislature, such plan was furnished them and a room was therein set apart for a banking room. The plan of building in its nature incapable of being promulgated as other enactments of the Legislature, would not be insisted on as binding on the directors, but for the fact of their admission that it was a matter by them understood and known at the time of building the banking house, to have been in full force under the solemn sanction of Legislative authority, however unwise they might have considered such designation by the Legislature, it was for a power higher than those of the directors, or any other known to our government, to have it set aside by a conflicting enactment. Had the power been expressly given by the charter, to the directors to have erected a banking house at pleasure, it is believed by the committee, that the above recited act of the Legislature would have fully repealed such provision as no vested rights accrue by the charter to the directors, it is always subject to alteration and amendment by the Legislature, and any enactment on the subject, is just as binding as the most authoritative provision of the charter. Under this view of the subject the committee feel



constrained to say, that a majority of the Directors have exercised a power which by law they did not possess, and that no sufficient necessity appeared to justify the measure. In conclusion the committee would beg leave to remark, that while they are charitably disposed to pass over so much of the communication of the majority of Directors, as they consider disrespectful and offensive in character, in due respect for themselves, and the dignity of the house, they cannot but assert in unqualified terms, the right of the Legislature to visit any official delinquency which may exist in the board with the most rigid investigation.

Signed

D. H. LEWIS.

*Clerk of the Committee on the State Bank.*

Mr. Coffey then moved that the report together with the accompanying documents be on the table, which was carried.

Mr. Walker moved to take from the table the bill to be entitled, an act to apportion the Representatives among the several counties in this state, and to divide the state into Senatorial Districts, according to the latest census, which was carried, the bill was then referred to the committee on apportionment.

Mr. Coffey presented a supplemental return of the census of Madison county, which together with those from Monroe and Limestone counties, were referred to the committee on apportionment.

A bill to be entitled, an act to establish two additional circuits. Mr. McNay of Lenoir moved that the further consideration thereof be indefinitely postponed, which yeas 40, nays 40.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Anderson, Bradford, Brown, Bonnell, Clark, Colgin, Conner, Coker, Darnall, Duke, McNay of Lenoir, Massey, Rather, Sharp, Smith of Clark, Walker, Weisinger, Wiggins, &c.

Those who voted in the negative are Messrs. Speaker, Acklen, Bell, Bledsoe, Bridges, Collier, Cook, Daniel, Davis, Dennis, Ellis, Edwards, Eubank, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Moore, McNay of Lenoir, McRae of Monroe, Moore of Jack, McRae of Madison, Moore of Madison, Perkins, Price, Rainey, Richardson, Russ, Robert, Sargent, Sargent, Story, Smith of Madison, Stone, Terry, Vaughn, &c.

Mr. Coffey moved that the bill be referred to the judiciary committee, which was carried, and the House adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, December 12, 1827.

The House met pursuant to adjournment.

Mr. Story presented the petition of Caswell R. Clifton tax collector of Madison county, praying the aid of the legislature as tax collector, &c. &c. which was read and referred to a select committee consisting of Messrs. Kelly, Harris, Moore of Madison, and Weisinger.

Mr. McRae of Monroe presented the petition of sundry citizens of the town of Claiborne, praying the passage of a law authorising the election of an additional number of constables to the beat in which said town is situated; which was read and referred to a select committee consisting of Messrs. McRae of Monroe, Wiggins, Stone, and Sibley.

Mr. Smith of Clarke presented the petition of sundry inhabitants of Clarke county, praying the extension of the limits of said county to the Alabama river; which was read and referred to the committee on county boundaries.

Mr. Jack from the select committee to whom was referred the bill

be entitled "an act to locate the seat of Justice in the county of Tuscaloosa." *Reported* the same without amendment. Mr. Perkins then moved that it lie on the table until to-morrow morning; which was carried.

Mr. Vaughan obtained leave to introduce a bill to be entitled "an act to encourage the raising of volunteer companies in the county of Morgan" which was read a first time and ordered to be read a second time on to-morrow.

Mr. Clark obtained leave to introduce a bill to be entitled "an act supplementary to an act entitled an act to establish a road from Montevallo to Greensborough," approved January 12th 1827; which was read a first time and ordered to be read a second time on to-morrow.

Mr. M'Rae of Frank. offered the following resolution: *Resolved*, that this House receive no further additional returns of the census of this state; and that the committee on apportionment be requested to furnish and recommend a number as a proper ratio, and the House to agree and fix on the ratio before the committee on apportionment report a bill. Mr. Bell moved that the resolution lie on the table; which was lost. Mr. Perkins then moved that the further consideration thereof be indefinitely postponed; which was carried.

Mr. Stone from the select committee to whom was referred the petition of John Fowler: *Reported* a bill to be entitled "an act for the relief of John Fowler" which was read a first time and ordered to be read a second time on to-morrow.

On motion of Mr. Rather. *Resolved*, that the military committee be instructed to inquire into the expediency of raising the salary of the Quarter Master General, and further what pay he shall receive for the cleaning of the arms and Quarter Masters' stores now in the arsenal.

Mr. Ellis from the committee on enrolled bills. *Reported* that they had examined and found correctly enrolled bills of the following titles: an act to authorize the people of the county of Bibb to fix the permanent seat of Justice in said county and for other purposes; an act to authorize the sheriffs of Walker, Dale and Cullington counties to execute precepts issued by Justices of the peace; and a joint resolution requiring the Comptroller of public accounts to furnish tax collectors and county court clerks with a certified copy of the revenue laws of this state; all of which originated in this House.

Engrossed joint resolution proposing amendments to the constitution of the state of Alabama was read a third time. Mr. Collier moved to fill the blank in the bill with the word "them" which was lost. Yeas 8—nays 55. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Clark Collier Cook Perkins Rather Ross Sibley Stone.

Those who voted in the negative are,

Messrs. Speaker Acklen Anderson Bell Bradford Brown Brinkman Bridges Bonnell Colgin Comer Craig Daniel Davis Dennis Darrett Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin M'Vay of Laud. M'Vay of Law. Messrs. M'Rae of Mon. M'Rae of Frank. Moore of Jack. Moore of Mad. Price Polney Richardson Robertson Russell Sargent Sharp Smith of Clarke. Smith of Mad. Tarver Terry Vaughan Vining Walker Wallhal Ward Weisinger and Wiggins.

Mr. Martin then moved to fill the blank with the word "eight" which was lost. Mr. Lewis then moved to fill the blank with the word "six" which was carried. Yeas 50—nays 11. The yeas and nays being de-

sided those who voted in the affirmative are.

Mr. Speaker, Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Craig Daniel Davis Durrett Duke Edmondson Forrest Harris Jack Kelly Lawler Lewis M'Vay of Land. M'Vay of Law. Massey M'Rae of Frank. Perkins Price Rainey Rather Richardson Ross Robertson Sargent Sharp Smith of Clark. Smith of Mad. Stone Tarver Terry Vaughan Vining Walker Ward Weisinger Wiggins—50.

Those who voted in the negative are.

M. Dennis Ellis Greening Higgin Martin M'Rae of mon. Moore of Jack. Moore of mad. Russell Sibley Walhund—11.

Mr. Kelly then moved that the further consideration of the resolution be postponed until to-morrow: which was carried.

Engrossed joint resolution proposing to amend the constitution so as to have biennial sessions of the General Assembly: was read a third time and the question being put: shall this resolution pass? It was determined in the affirmative. Yeas 45—nays 18. The yeas and nays being desired those who voted in the affirmative are.

Mr. Acklen Anderson Bell Bradford Brown Clark Colgin Craig Daniel Davis Dennis Durrett Duke Edmondson Forrest Harris Higgin M'Vay of Land. M'Vay of Law. Massey M'Rae of Frank. Moore of Jack. Moore of mad. Price Rainey Rather Richardson Robertson Russell Sargent Sibley Smith of mad. Vaughan Vining Walker Walhund Ward Weisinger Wiggins—43.

Those who voted in the negative are.

Mr. Speaker, Broadnax Bridges Bonnell Collier Conner Cook Ellis Greening Jack Lewis Perkins Ross Sharp Smith of Clarke Stone Tarver Terry—8.

Ordered that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled "an act to aid in the endowment of a lunatic Asylum Hospital in the city of Mobile" was read a third time. Mr. M'Vay of Land moved to amend the bill by way of engrossed rider by way of section which was lost. Mr. M'Vay of Land moved further to amend the bill by way of the following engrossed rider: Pro- vided that one third of all the taxes arising from sales at auction in the County of Lauderdale be applied to the use of the poor which was lost. The bill was then passed and ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Walhund offered the following resolution: Resolved that the committee on appropriations be authorized to apportion the representatives among the several counties of the State as follows: 130; and to form the State into 22 senatorial districts. Mr. M'Vay of Land moved to strike out "22" in relation to senatorial districts and to insert "21." Mr. Craig moved that the resolution lie on the table until Saturday next: which was lost. Mr. Craig moved that the House adjourn till half past 2 o'clock which was lost. Yeas 24—nays 11. The yeas and nays being desired those who voted in the affirmative are.

Mr. Acklen Bell Collier Conner Craig Daniel Davis Durrett Ellis Edmondson Forrest Jack Lawler M'Rae of Frank. Moore of mad. Perkins Rather Richardson Robertson Russell Smith of mad. Vaughan Vining—24.

Those who voted in the negative are.

Mr. Speaker, Anderson Bradford Brown Broadnax Bridges Bonnell



Clark Colgin Cook Dennis Duke Greening Harris Higgins Kelly Lewis  
 Martin M'Vay of Land M'Vay of Law Massey M'Rae of mon. Moore  
 of Jack. Price Ross Sargent Sharp Sibley Smith of Clarke, Stone Tar-  
 yer Terry Walker Walthal Ward Weisinger Wiggins—37.

Mr. Harris then called for the previous question, which was Mr. M'Vay's of Land. amendment to Mr. Walthal's resolution. The resolution was then ordered to lie on the table till half past 2 o'clock.

On motion of Mr. Martin *Resolved* that the additional or supplemental returns of the census properly authenticated according to law from the different counties in this state be received now and taken into the calculations in apportioning the senators and representatives as the same should have been done had the same been made in due time, and that the committee on the apportionment be so instructed.

A message from the Governor by James L. Thornton, Secretary of state  
 DECEMBER 18, 1827.

Mr. Speaker: I am instructed by the Governor to inform your honorable body that he did, on the 17th inst. approve and sign the following bills. An act to provide for an extra term of the circuit court in Mobile county; an act to compel solicitors to reside within their respective circuits; an act to prevent the abatement of suits in certain cases; and an act to revive and continue in force an act entitled an act to provide for the choosing electors of President and Vice President of the United States, passed December 25, 1825; all of which originated in the House of representatives. And then he withdrew. And the House adjourned to half past 2 o'clock.

EVENING SESSION. half past 2 o'clock.

The House met pursuant to adjournment.

Mr. M'Vay of Land. offered the following resolution: *Resolved* that a committee be appointed to take the votes of two members of this House, to wit, Thomas Coopwood and William K. Paulding who are confined to their rooms by sickness, on all subjects in relation to the apportionment which may be taken during their confinement. Mr. Terry moved to amend the same by adding after the name of William K. Paulding, the name of "Martin Mead;" which was lost. Mr. Vinson then moved that the resolution lie on the table; which was carried.

A message from the Senate by Mr. Lyon.

Mr. Speaker:—The Senate have passed bills which originated in their House entitled "an act to incorporate the Franklin academy, in the town of Russellville, Franklin county;" and "an act to amend an act entitled an act to divide the state into districts for electing representatives to Congress passed December 21st, 1822" in which they desire your concurrence. They have passed bills which originated in the House of representatives entitled "an act to amend an act incorporating the town of Huntsville;" and have amended the same by adding a proviso at the end of the 2d section of the bill: also "an act to revive in part a certain act therein specified; and have amended the same by striking out all after the enacting clause; and substituting the accompanying bill in lieu thereof; in which amendments they desire your concurrence. And then he withdrew. Ordered that the House concur in the amendment made by the Senate to the bill entitled "an act to amend an act incorporating the town of Huntsville, by adding thereto a proviso at the end of the 2d section. Mr. Moore of Jack. moved to amend the amendment by adding therein the words "and also the quarter section of land on which Henry W. M'Vay resides be excluded;" which was adopted. Ordered that the

same be sent to the Senate for their concurrence.

Engrossed bill to be entitled "an act to revive in part a certain act therein specified" was ordered to lie on the table.

The House resumed the consideration of Mr. M'Vay's of Loud. amendment to Mr. Walthead's resolution, and the question being put: shall this amendment be adopted? it was determined in the negative. Yeas 24—nays 37. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen Bell Collier Coffer Craig Daniel Durrett Ellis Edmundson Forrest Jack Martin M'Vay of Loud. M'Vay of Law. Moore of Jack. Moore of mad. Perkins Price Rather Richardson Robertson Russell, Sargent Vaughan—24.

Those who voted in the negative are,

Mr. Speaker. Anderson Bradrock Brown Broadwax Bridges Bonnell Clark Colgin Cook Davis Dennis Duke Greening Harris Higgins Kelly Lawler Lewis, Massey, M'Kee of non. M'Kee of Frank. Rainey, Ross, Sharp Sibley Smith of Clarke, Smith of Jack. Stone Tarver Terry Vining Walker Walthead Ward Wisinger Wiggins—37.

Mr. Rather moved to strike out the words "twenty one hundred and fifty" which was lost. Yeas 24—nays 37. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen B. H. Collier Coffer Craig Daniel Davis Durrett Duke Ellis Edmundson Jack Martin M'Vay of Loud. M'Vay of Law. Moore of mad. Perkins Price Rather Richardson Robertson Russell Vaughan Vining—24.

Those who voted in the negative are,

Mr. Speaker. Anderson Bradrock Brown Broadwax Bridges Bonnell Clark Colgin Cook Davis Dennis Duke Greening Harris Higgins Kelly Lawler Lewis Massey, M'Kee of non. M'Kee of Frank. Moore of Jack. Rainey Ross Sargent Sibley Smith of Clarke, Smith of mad. Stone Tarver Terry Walker Walthead Ward Wisinger Wiggins—37.

Engrossed bill entitled "an act to amend an act to provide for the office of discount and deposits of the Bank of the state of Alabama in the northern part of this state" was read a third time. Mr. Stone moved to amend the bill by way of engrossed rider by adding thereto two additional sections. Mr. Stone moved that the bill lie on the table until Saturday next; which was lost. Mr. Lewis then moved that the bill together with the proposed amendments lie on the table until Monday; which was carried.

Engrossed bills from the Senate of the following titles, to wit: an act to amend an act entitled an act to divide the state into districts for electing representatives to congress, passed December 21, 1823; an act to incorporate the Franklin Academy in the town of Russellville Franklin county; were separately read a first time and ordered to be read a second time on tomorrow. Mr. Martin moved to add another member to the committee on propositions and grievance; which was carried. Mr. Walker was then added to said committee. And then the House adjourned until tomorrow morning 10 o'clock.

Thursday, December 26, 1827.

The House met pursuant to adjournment.

On motion of Mr. Ross: Ordered that Messrs. Greening Ross, and Kelly, be discharged from the joint committee on the State Bank.

On motion of Ross Resolved that the House proceed forthwith to elect a committee to examine the state bank, to act with the committee on the part of the Senate instead of Messrs. Ross, Greening and Kelly excused from

serving on said committee owing to their necessary attendance on other business. The House then proceeded to the election of a committee on the state bank: whereupon Messrs Weisinger, Craig and Vining were elected said committee.

A message from the Senate by Mr. Lyon.

Mr. Speaker:—The Senate concur in the amendment made by your honorable body to their amendment to the bill entitled "an act to alter the boundary line between the counties of Shelby and Autauga. They have read three several times and passed bills which originated in their House, entitled an act to form a seventh Judicial circuit: an act to declare in what manner pardons and reprieves shall be granted, and fines and forfeitures remitted: an act to provide for the location of the university of the state of Alabama: an act to repeal so much of the 3d section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba the 15th day of June 1821, as is herein specified: an act to authorize John Smith of Jefferson county, to emancipate a certain slave therein named. In all of which they desire your concurrence. They have also passed bills which originated in the House of representatives, entitled an act to provide for ascertaining the sense of the citizens of Autauga county, with regard to the seat of Justice in said county: an act to revive and continue in force an act passed the 31st day of December 1822, entitled an act to incorporate the town of Jonesborough in the county of Jefferson, and have amended the same by adding thereto an additional section. In which amendment they desire your concurrence. And then he withdrew.

Resolved, That any person proposing amendments to the constitution of the state of Alabama, was then taken up and read a third time. Mr. Keble moved to amend the resolution by any of the following engrossed resolutions, in order to preserve uniformity of decision and avoid the excitement that might result from the election of all the Judges at one session of the legislature. *Be it further resolved* that so soon as the foregoing resolutions shall be adopted and become part of the constitution, it shall be the duty of the legislature before the election of Judges shall take place, to divide the number of circuits into classes to correspond with the regular sessions of the legislature, so that as near as may be, an equal number of Judges shall go out of office at the close of each regular session; and when the number of classes shall be ascertained, the term for which the Judges in the several circuits respectively shall be elected in the first instance, shall be determined by ballot in the presence of both Houses of the General Assembly in the following manner, viz: one paper for each circuit shall be put into a separate box with the number of the circuit written on it; and a number of papers equal to the whole number of Judges shall be put into another box, marked so as to correspond with the number of years ascertained by the classification before mentioned; and when the boxes shall be so prepared, the secretary of the Senate shall draw one paper at a time from the box containing the number of circuits and read aloud in the hearing of both Houses, the circuit so drawn; and the clerk of the House of representatives shall then proceed to draw one paper from the other and read in like manner, the number of years so drawn, and so on until all the circuits shall be gone through: which proceedings shall be entered on the Journals of both Houses, and the Judges to be elected, shall be elected for the number of years drawn to the circuits respectively; and after the expiration of the terms so to be ascer-





of Jonesborough in the county of Jefferson, by adding thereto an additional section.

A message from the Governor by James I. Thornton Secretary of State, which is as follows.

DECEMBER 20th, 1827.

Mr. Speaker—The Governor did on the 20th inst. approve and sign the following bills: An act to authorise Ansel Sawyer to erect a mill on Coosa river; an act to amend an act to authorise clerks and magistrates to collect costs in certain cases: an act to appoint commissioners for the county of Dale, and for other purposes: an act supplementary to an act entitled an act concerning executions and sales by Sheriffs, and for other purposes, passed December 20th, 1826: an act to authorise Isham R. Houze to bring to this state the slaves of Susan B. Houze: an act to disband the 2d regt of the militia of this state: an act to establish a permanent seat of Justice in the county of Henry: and a joint resolution adopting a plan for the state capitol: all of which originated in the House of Representatives.

Mr. Richardson obtained leave to introduce a bill to be entitled "an act changing the time of holding county courts in Greene county," which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Martin, Resolved that with the concurrence of the Senate, the two Houses will on Saturday next, at the hour of 11 o'clock A. M. go into the election of Trustees of the University of this state to fill all such vacancies as may, have, or will occur at the end of the present session of the General Assembly.

Mr. Glassey obtained leave to introduce a bill to be entitled "an act to repeal in part a resolution passed January 15th 1827," under the title of resolutions in relation to the militia laws of this state; which was read a first time and ordered to be read a second time on tomorrow.

Mr. Higgins obtained leave to introduce a bill to be entitled "an act to change the names of certain persons therein named," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Collier obtained leave to introduce a bill to be entitled "an act declaring the effect of notarial protests," which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bills from the Senate of the following titles, to wit: an act to authorise John Smith, of Jefferson county, to emancipate a certain slave therein named: an act to provide for the location of the University of the state of Alabama: an act to repeal so much of the 3d section of an act entitled "an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba the 15th day of June 1821, as is therein specified: an act to declare in what manner pardons and reprieves shall be granted and fines and forfeitures remitted were severally read a first time and ordered to be read a second time.

Mr. Walker from the select committee to whom was referred a bill to be entitled "an act to abolish and establish certain election precincts therein mentioned," Reported an amended bill in lieu thereof which was adopted. Mr. Rather moved to amend the bill by way of proviso, which was carried.

Mr. Forrest obtained leave to introduce a bill to be entitled "an act to explain and amend the operation of an act passed December 13, 1819, entitled an act to establish certain courts therein named, and for other purposes therein mentioned," which was read a first time and ordered to

be read a second time on tomorrow.

Engrossed bill from the Senate entitled "an act to form a seventh Judicial circuit was read a first time. Mr. Terry then moved that the bill lie on the table, which was lost. The bill was then ordered to be read a second time on tomorrow.

A bill to be entitled "an act to locate the seat of Justice in the county of Tuscaloosa;" was then taken up. Mr. Jack moved to amend the first section of the bill by adding thereto the following after the word "square" or on market square and for the purpose of ascertaining the will of the people on that subject: an election shall be holden on the — Monday of — next at the several precincts of this county, which shall be conducted in the same manner and under the same rules as now govern elections for members of the General Assembly, and the qualified voters of said county, shall endorse on their ticket "court square" or "market square," and the sheriff of said county is hereby required within fifteen days after said election, to make a correct return of the state of the polls to the Judge of the county court and the commissioners of roads and revenue; and on that square, which has the greatest number of votes the court house shall be located;" which was adopted. Mr. Perkins then moved to amend the bill by striking out all after the enacting clause and by substituting an amendment in lieu thereof, a division of the question being called for, the vote was first taken on striking out; which was lost. Mr. Ellis then moved to amend the bill by adding thereto sundry additional sections: which was carried. The bill was then referred to a select committee consisting of Messrs. Forrest, Weisinger and Rainey to consider and report thereon. And then the House adjourned until tomorrow morning 10 o'clock.

FRIDAY, December 21, 1827.

The House met pursuant to adjournment.

The Speaker being called upon to determine whether the majority in favor of the bill entitled "an act to establish an office of discount and deposit of the bank of the state of Alabama in the northern part of this state" which was put upon its passage on yesterday, was sufficient to pass the bill, or whether the vote of two thirds of the members present was not necessary to pass the same under the provisions of the constitution of this state relating to the establishment of a branch Bank decided that in his opinion, a concurrence of two thirds, of both Houses of the General Assembly was necessary under the provisions of the constitution in order to pass the bill, and that as a constitutional majority had not voted in favor of the bill, it was in his opinion rejected: from which opinion of the Speaker, Mr. McVay of Laud, appealed to the House; and the question being put on agreeing to the opinion pronounced by the Speaker, it was determined in the negative. Yeas 24—nays 57. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Anderson, Bradford Brown, Bridges, Bennell Colgin Conner D. Davis Harris Jack Lewis, Massey, McRae of Mon. Perkins, Rainey, Richardson, Ross, Sibbey Stone, Taylor, Walthall, Ward, Weisinger Higgins—24.

Those who voted in the negative are,

Messrs. Acklen, Bell, Brodhams Clark, Collier Cook, Cooper and Craig Daniel, Davis, Duffett Duke Ellis Edmundson, Green, Greening, Higgins, Kelly Lawler, Martin, McVay of Laud McVay of Law, Melton, of Frank, Moore of Laud, Moore of Mad. Price, Ratner, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Laud, Terry, Vaughan, Vining Walker—37.

It was therefore determined by the House that the bill had passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.



Mr. Ross from the committee on accounts to whom was referred the claim of Joseph Owen, of Baldwin county, claiming compensation for apprehending and bringing to justice an Indian charged with murder. Reported that they are aware of no law authorising the payment of such a claim and ask leave to be discharged from the further consideration thereof which was granted. The report and accompanying documents was then referred to the committee on propositions and grievances.

Mr. Greening from the Judiciary committee to whom was referred the bill to be entitled "an act to establish two additional circuits," Reported the same without amendment. Mr. Greening moved to strike out "Circuit" where it appears in the second section of the bill with a view to insert it after the word "Dale;" which was carried. Mr. Rather moved to amend the bill by striking out of the 1st section the word "two;" which was lost. Mr. Walthal then moved that the bill lie on the table until the 1st day of March next; which was lost. Yeas 27—nays 32. And nays being desired, those who voted in the affirmative are, Anderson Bell Bradford Brown Clark Colgin Conner Daniel Durrett Duke Edmondson M'Vay of Laud. M'Vay of Rather Richardson Robertson Sharp Sibley Smith of Walker Walthal Weisinger Wiggins—27.

Those who voted in the negative are, A. A. Broadnax Bridges Bonnell Collier, Davis, Dennis, Ellis, Greening, Harris Higgins Jack Kelly Lawler Lewis Martin M'Rae of Moore M'Rae of Jack Moore of Jack Moore of Mad. Perkins, Price, Ramsey Ross Russell St. agent Smith of Mad. Stone Tarver Terry Vaughn Young Ward—32.

Mr. Kelly moved to amend the 1st section of the bill by adding after the word "Judge;" "and two solicitors;" which was carried. Mr. Walther then moved to refer the bill to a select committee; which was lost. The bill was then read a second time as amended and ordered to be engrossed for a third reading.

Mr. Kelly from the committee on the state Bank to which was referred so much of the Governor's message as relates to the pecuniary embarrassments of the people. Report that the causes of the prevailing distress may be summed up in a few words. The inordinate emission of Bank paper, generated a spirit of speculation in the years 1818 and 1819. The failure of banks suddenly reduced the currency greatly below the amount required for the legitimate purposes of commerce; and the remnant of circulation left was appreciated in quality. The country has not as yet recovered the shock then received; and the gradual reduction in the price of cotton has augmented the general distress from year to year; and for the two last years the productions of the soil have been greatly reduced in quantity by unusual drought. All these causes have produced a state of embarrassment so general and severe as to require the application of all the means at the command of the legislature for its relief or mitigation.

Interference with contracts in the shape of stay laws, is considered too hazardous and too inefficient to be considered a suitable remedy even if within the constitutional competency of the legislature. Rejecting that scheme as inadvisable, your committee have examined with great care the power of the legislature to afford a remedy free from constitutional objection, and at the same time sanctioned by the sound principles of enlightened policy. It has already been said that the currency of the coun-

try is deficient in quantity: this remark is made with a view to the fair and reasonable demands of commerce. If not mistaken in estimating the demands of commerce and the amount of circulating medium necessary to give it health and activity, it will follow plainly that an increase of the circulating medium, if it can be done without impairing its credit will afford a remedy entirely satisfactory and at the same time be clear of all constitutional objections; adhering to the sound principles of banking on which the state bank was established, and by which it has been heretofore conducted: your committee cannot recommend a further emission of bank paper, without at the same time extending the capital of the bank in proportion to the intended issue. The success of the bank hitherto has surpassed the expectations of its most sanguine friends: the interest upon the loan forming part of its capital has been regularly and punctually paid, and there is reason to expect that a further loan can be had upon better terms and be used by the bank so as to supply the interest and something more: and serve as a basis to sustain a sound circulating medium, in some degree commensurate with the wants of the country under a firm belief that the currency of the country can thus be enlarged without in the least impairing its credit. Your committee recommend an increase of the capital of the state bank by a further sum of ————— hundred thousand dollars, and have accordingly reported the bill for that purpose.

Signed

WM. KELLY.

A bill to be entitled "an act to increase the capital of the bank of the state of Alabama" which was read for the first time. Mr. Ross moved that the report and bill lie on the table, which was lost. The bill was then ordered to be read a second time on Monday. And then the House adjourned until 6 o'clock, Tuesday morning.

Wednesday, December 5 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Moore of Jack. Resolved, that the committee appointed by this House to act jointly with the committee of the Senate to examine the state and condition of the state bank, have leave to sit at any time during the session of this House.

Mr. Moore of Jack, to whom was referred the petition of Caswell R. Clifton. Reported a bill to be entitled "an act for the relief of Caswell R. Clifton, tax collector of Madison county," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack, from the select committee to whom was referred a bill to be entitled "an act to provide for the support of paupers," Reported the bill with the following amendment: strike out in the first section the words "in this state" and insert in lieu thereof, "the county hereinafter named;" strike out in the fifth section the words "the overseers of the poor shall hold their appointment during good behavior;" strike out the seventh section which was concurred in by the House: the bill as amended was then read a second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. Forrest, from the select committee to whom was referred the petition of sundry citizens of Jefferson county, praying the passage of a law regulating the pay of Jurors in said county. Reported a bill to be entitled "an act to provide for the payment of petit Jurors in the county of Jefferson," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack, obtained leave to introduce a bill to be entitled

an act giving further time for filing county claims," which was read a first time and ordered to be read a second time on tomorrow.

Mr. Ellis from the committee on enrolled bills. Reported that they had examined and found correctly enrolled bills of the following titles, to wit: an act relative to offsets before Justices of the Peace and for other purposes; which originated in this House.

Mr. Acklen from the select committee to which was referred the petition of sundry inhabitants of Whitesburg in Madison county, praying an extension of its corporate limits and for other purposes. Reported a bill to be entitled "an act to amend in part and repeal in part an act to establish the town of Whitesburg and incorporate its trustees," which was read a first time and ordered to be read a second time on tomorrow.

Mr. ... from the select committee to which was referred the petition of the Bank of Mobile to repeal their charter in the ... Assembly; which was read a first time and ordered to be read a second time on tomorrow.

Mr. ... from the select committee to which was referred the petition of John ... for the relief of ... Reported a bill to be entitled "an act for the relief of ... which was read a first time and ordered to be read a second time on tomorrow.

Mr. ... from the select committee to which was referred the petition of ... Reported a bill to be entitled "an act for the relief of ... which was read a first time and ordered to be read a second time on tomorrow.

Mr. ... from the select committee to which was referred the petition of ... Reported a bill to be entitled "an act for the relief of ... which was read a first time and ordered to be read a second time on tomorrow.

A communication from the ... was received by the ... and he withdrew. Said communication was ...

Text of the ... December 21, 1827.

*The Honorable the Speaker,*

*and Members of the House of Representatives.*

GENTLEMEN—I have the honor to transmit on behalf of the Quartermaster General for cleaning and putting in good order the public arms, which are now in the arsenal. A very large number of these arms are in a situation to be in a large and considerable number of them, not the whole, had contrived to be in the boxes in which they were kept, that would probably have rendered them unserviceable. I have the pleasure to state, as is also known to your committee, that the arms are now in very good condition, and may be kept so at a moderate expense by frequent and systematic attention. The humidity of our climate requires more than ordinary care in the preservation of all kinds of arms: the military committee will, no doubt, make the necessary suggestions. The arms have heretofore been kept in boxes, and it is believed that it would be better to keep them in racks placed in a vertical position, so as to be easily inspected and any cause of injury subjected to immediate observation. The expense which may be necessary to keep the arms in good order, will be justified by the consideration, that it goes to preserve public property essential to the defence and security of the country.

I have the honor to be most respectfully your obedient servant.

Signed

JOHN MURPHY

Mr. Rather moved that the communication be referred to the military committee; which was carried.



Mr. Cook moved to take from the table an engrossed bill to be entitled "an act to revive in part a certain act therein specified; which was lost.

Engrossed bills of the following titles, to wit: an act declaring Elk river and Big Shoal Creek public highways; an act to authorise the Judge of the county court of Monroe County and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned; and an act to authorise James Mahan, William Lovelady, John Gardner and Hanson Davis to enter a certain quantity of University land for the purpose therein mentioned; were severally read a third time and passed. Ordered that the titles be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled "an act to amend the third section of an act passed at the last session of the legislature to compensate the commissioner appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia." was, on motion of Mr. Acklen, taken from the table and read a third time. Mr. Smith of Clarke, moved to fill the blank in the bill with the words "five hundred and twenty," which was lost. Yeas 26—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Acklen, Anderson, Broadnax, Bridges, Cook, Daniel, Dennis, Drake, Ellis, Greening, Harri, Higgins, Jack, Martin, M'Rae, of Frank Moore, of each, Moore, of each, Sargent, Stoley, Smith, of Clarke, Smith, of each, Tarver, Terry, Walker, Ward—26.

Those who voted in the negative are,

Messrs. Bell, Bradburn, Brown, Burnett, Clark, Colgin, Collier, Conner, Davis, Durrett, Edmundson, Lawler, M'Way, of Law, M'Way, of Law, Massey, Perkins, Price, Roney, Rafter, Richardson, Robertson, Russell, Sharp, Vaughan, Wallich, Wiggins—27.

Mr. Jack then moved to fill the blank with the word "five hundred;" which was carried. Yeas 26—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Anderson, Broadnax, Bridges, Cook, Daniel, Dennis, Drake, Ellis, Greening, Higgins, Jack, Martin, M'Rae, of Frank Moore, of each, Moore, of each, Sargent, Sharp, Stoley, Smith, of Clarke, Smith, of each, Tarver, Terry, Walker—26.

Those who voted in the negative are,

Mr. Bell, Bradburn, Brown, Burnett, Clark, Colgin, Collier, Conner, Davis, Durrett, Edmundson, Lawler, M'Way, of Law, M'Way, of Law, Massey, Perkins, Price, Roney, Rafter, Richardson, Robertson, Russell, Vaughan, Wallich, Wiggins—27.

The bill was then passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill to be entitled "an act concerning the estates of deceased persons," was read a third time. Mr. Durrett moved to lay the bill on the table; which was lost. The bill was then passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence. And then the House adjourned till tomorrow morning, half past 9 o'clock.

SATURDAY, DECEMBER 22, 1827.

The House met pursuant to adjournment.

Mr. Martin from the committee of propositions and grievances to whom was referred the petition of Johnson Harrison and Aaron Harrison praying payment for apprehending Marcos Black and William Black, who

had broke jail, &c. Reported that it is inexpedient to grant the relief prayed, the same being a charge against the county. Mr. Acklen moved that the report lie on the table; which was carried.

Mr. Vining presented the petition of sundry citizens of the neighborhood of Hazlegreen, in Madison county; protesting against the passage of a law to elect two Justices of the peace for said town; which was read and referred to the select committee to whom was referred two other petitions on that subject.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of Robert M. Henry praying to be allowed a certain sum therein named for services rendered in 1822, in guarding a prisoner named William Nixon, from Shelby county to Huntsville, &c. Reported that it is inexpedient to grant the prayer of the petitioner, the same being a county charge. Mr. Lawler moved that the report lie on the table; which was carried.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of Chesly B. Roundtree praying to be paid by the state a sum therein named, for services rendered the United States in taking the census in the year 1820, as deputy marshal; Reported that the prayer of the petitioner is unreasonable and ought not to be granted: in which report the House concurred.

Mr. Martin from the committee on propositions and grievances to whom was referred the petition of William Jordan. Reported that the prayer of the petitioner is unreasonable and ought not to be granted. Mr. Harris then moved that the report lie on the table; which was lost: the report was then concurred in by the House.

Mr. M'Vay of Land, from the committee on county boundaries to whom was referred the petition from Monroe and Clarke counties for adding part of Monroe to Clarke, Reported that it is inexpedient to legislate on the subject at present. Mr. Smith of Clarke moved that the report and accompanying documents be referred to a select committee; which was carried. Yeas 29—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Broadnax Bridges Comer Craig Daniel Durrett Edmondson Forrest Harris Higgins M'Vay of Land, M'Rae of Frank, Moore of Jac. Perkins Price Rainey Richardson, Robertson, Russell, Sargent, Sibley, Smith of Clarke, Terry Vaughan Vining Walthal Ward Weisinger—29. Those who voted in the negative are,

Mr. Spraker, Acklen Andersen Bell Bradford Brown Bumpell Clark, Colgin Cook Davis Dennis Duke Ellis Jack Lawler Martin M'Vay of Law, Massey M'Rae of Mon, Moore of mad. Sharp Smith of mad. Stone Tarver Walker Wiggins—27.

Whereupon Messrs. Smith of Clarke, M'Rae of Mon, Wiggins, Sibley and Stone were appointed said committee.

Mr. Craig from the select committee to whom was referred the petition of William M. Marr, Reported a bill to be entitled "an act for the relief of William M. Marr;" which was read a first time. Mr. Clark moved to lay the bill on the table till the first day of June next; which was lost. The bill was then ordered to be read a second time on Monday next.

Mr. Stone from the military committee to whom was referred a bill to be entitled, an act to establish the 3rd regiment of Alabama militia; Reported the bill with sundry amendments which were concurred in and adopted by the House.

Mr. Stone from the military committee to whom was referred a resolution instructing them to enquire into the expediency of raising the rank of the Adjutant General, reported, that it is inexpedient, in which report the House concurred.

Mr. Stone from the military committee to whom was referred the petition of society of soldiers on the counties of Clark and Monroe, asking leave to form a volunteer company out of two regiments in those counties, reported, that it is expedient to grant the prayers of the petitioners. Mr. Stone also removed that the report lie on the table, which was lost. The report was then concurred in by the House.

Mr. Thompson presented the return of John Woods, constable of Lawrence county, which was read and referred to the committee on accounts.

Mr. Bridges from the committee on apportionments to whom was referred the bill to amend an act to apportion the Representatives among the several counties in this state, and to divide the state into senatorial districts, reported, that the bill with sundry amendments.

Mr. Bridges from the following resolution: *Resolved* that the bill and amendments thereto be read a third time on apportionment, and that the yeas and nays be taken thereon in conformity with a former resolution of the House in the report on apportionment. Mr. Bridges moved to amend the resolution by striking out the clause. Mr. Thompson moved that the yeas and nays be taken on the proposed amendment of the bill. The yeas and nays were taken. The question was then put on the original resolution, which was lost. The question was then put on the question on Mr. Perkins' resolution, which was lost. The yeas and nays were taken on the bill with the amendments. The yeas and nays were taken. Mr. Stone moved that the bill together with the proposed amendments lie on the table until three o'clock, which was agreed to.

Mr. Bridges from the following resolution: *Resolved* that the bill to amend an act to apportion the Representatives among the several counties in this state, which was read a first time and ordered to be read a second time on Monday next.

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Mr. Bridges from the following resolution: *Resolved* that the bill to amend an act to apportion the Representatives among the several counties in this state, which was read a first time and ordered to be read a second time on Monday next.



Mr. Collier moved that the House now adjourn until Monday morning 10 o'clock, which was lost, yeas 22—nays 34.

The yeas and nays being desired, those who voted in the affirmative are.

Mr. Acklen, Bell, Brown, Collier, Conner, Coopwood, Craig, Daniel, Davis, Durrett, Ellis, Forrest, Jack, Martin, M'Vay of Land, M'Vay of Law, Moore of Jack, Perkins, Price, Richardson, Russell, Vinings, 22.

Those who voted in the negative are,

Mr. Anderson, Bradford, Broadnax, Bridges, Bonnell, Clark, Colgin, Cook, Dennis, Duke, Edmondson, Harris, Higgins, Kelly, Lawler, Massey, M'Rae of Mon, Moore of Mad, Rainey, Rath, Robertson, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Walker, Ward, Weisinger, and Wiggins, 31.

A message was received from the Governor by James I. Thornton, and then he withdrew. Said message is as follows.

Executive Department, December 22d, 1827. The Honorable, the Speaker, and members of the House of Representatives.

Gentlemen, I have the honor to inform you that I have just received the resignation of the Honorable Eli Terry, as Judge of the county court of the county of Autauga. I have the honor to be most respectfully, your ob't servant.

Signed JOHN MURPHY.

Ordered, that said message lie on the table.

Mr. Harris from the select committee to whom the presentments of the grand juries of the counties of Washington, Baldwin & Monroe, together with the report of the judiciary committee, on that part of the Governor's message which recommends a more summary mode for the trial of slaves were referred, reported a bill to be entitled, an act to repeal in part an act therein named, which was read a first time and ordered to be read a second time on a day next.

Mr. Jack then moved that the House now adjourn until Monday morning half past 9 o'clock, which was lost, yeas 2—nays 28.

The yeas and nays being desired, those who voted in the affirmative are.

Mr. Acklen, Bell, Brown, Collier, Conner, Craig, Daniel, Davis, Durrett, Ellis, Edmondson, Forrest, Jack, Kelly, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Mon, Moore of Jack, Perkins, Price, Rath, Richardson, Robertson, Russell, Vaughan, Vinings, 28.

Those who voted in the negative are, Mr. Anderson, Bradford, Broadnax, Bridges, Bonnell, Clark, Colgin, Cook, Dennis, Duke, Harris, Higgins, Lawler, Moore of Mad, Rainey, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Terry, Walker, Walthall, Ward, Weisinger, Wiggins, 31.

Mr. Jack then moved that the House adjourn until Monday morning 9 o'clock, which was carried, yeas 31—nays 25.

The yeas and nays being desired by Mr. Clark, those who voted in the affirmative are.

Mr. Acklen, Bell, Brown, Collier, Conner, Cook, Craig, Daniel, Davis, Durrett, Duke, Ellis, Edmondson, Forrest, Higgins, Jack, Kelly, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Mon, Moore of Jack, Perkins, Price, Rath, Richardson, Robertson, Russell, Vaughan, Vinings, 31.

Those who voted in the negative are,

Messrs. Anderson, Bradford, Broadnax, Bridges, Bonnell, Clark,

Colgin, Dennis, Harris, Lawler, Moorhead, Ramey, Sargent, Sharp, Sibley, Smith of Clark, Smith of Madison, Stone, Tarver, Terry, Walker, Walther, Ward, Weisinger, and Wiggins, 25. And then the House adjourned until Monday morning 9 o'clock.

MONDAY, December 24th, 1887.

The House met pursuant to adjournment.

Mr. Anderson presented the petition of sundry inhabitants of Warren county praying the passage of a law to establish an election precinct at the stone house of Thomas, Hesse and Bonwell in said county, which was read and referred to a select committee consisting of Messrs. Anderson, Richardson and Colgin.

Mr. Coopwood presented the petition of William Hines praying the passage of a law authorizing the sale of certain lands therein mentioned, which was read and referred to a select committee consisting of Messrs. Coopwood, Daniel and McVay of Law.

Mr. Daniel presented the petition of John T. Simons praying the adjournment of the Legislature as in said petition mentioned, which was read and referred to the committee on propositions and grievances.

Mr. Smith of Clark presented the account of George H. Dabose, which was read and referred to the committee on accounts.

Mr. Daniel presented the petition of Romeo Andree praying the passage of a law to emancipate certain slaves therein mentioned, which was read and referred to the committee on propositions and grievances.

Mr. Anderson presented the account of Martin Wells, which was read and referred to the committee on accounts.

Mr. Daniel presented the petition of the officers of a rifle company praying the passage of a law to be incorporated, which was read and referred to the military committee.

Mr. Daniel presented the petition of the committee on propositions and grievances to the House, which was read and referred to the committee on propositions and grievances.

Mr. Daniel presented the petition of sundry inhabitants of Warren county praying the passage of a law to establish an election precinct at the stone house of Thomas, Hesse and Bonwell in said county, which was read and referred to the committee on propositions and grievances.

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purpose, an act to authorize and require the Secretary of State, to pre-  
vide and distribute to each county in this State, one sett of weights and  
measures, and an act to preserve the health of the inhabitants residing  
on sinking creek in Landerdale county, in which they desire your con-  
currence. They have passed bills which originated in the House of  
Representatives entitled, an act to emancipate certain persons therein  
named, an act to emancipate a certain slave therein named, an act to al-  
ter the boundaries of certain counties therein named, and have amended  
the same by striking out the second section, and an act to fix and estab-  
lish the dividing line between the counties of Tuscaloosa and Jefferson,  
by visible and marked boundaries, and have amended the same by strik-  
ing the proviso from the end of the first section, in which amendments  
they desire your concurrence, and then he withdrew.

Mr. Wining from the committee on schools, colleges and universities, and school and university lands to whom was referred a resolution of this House, instructing them to enquire into the expediency of reducing the minimum price at which the university lands of this state may be entered below the price established by the act of the 15th of January 1860, submitted, an act to class and fix the price of the university lands: Reported that they deem it inexpedient to make such reduction, in which report the House concurred.

Mr. Stone from the military committee to whom was referred the Governor's message on the subject of the public arms now in the arsenal with the Quarter Master General's account for cleaning the same, and also the Quarter Master General's annual report: Reported that they have examined the public arms in the arsenal and find them in good order, according to the Quarter Master General's annual report, and they have introduced a bill to be entitled, an act to provide for the preservation of the public arms, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Stone from the military committee to whom was re-committed a bill to be entitled, an act to amend the several acts now in force relative to the militia and patrol laws of this state: Reported the bill with the following amendments, strike out the three first sections and substitute therefor, three other sections; and also by the addition of two other sections. Mr. M'Way of Loud. moved that the further consideration of the bill be indefinitely postponed, which was carried.

The bill will be indefinitely postponed, when it was carried.

Mr. Forrest from the select committee to whom was referred a bill to be entitled, an act to locate the seat of justice in the county of Tuscaloosa: Reported the same with the following amendments to wit, after the word "court," insert the word "house;" in the same section after the word "which," insert the words "shall have," and strike out the word "place;" after the word "be," strike out the word "located," insert the word "erected," in the 2d section strike out the word "shall," and by striking out the 2d section and by adding thereto an additional section, which several amendments were concurred in by the House. Mr. Ellis moved to amend the last section of the bill by adding after the word "the town" the words "at such convenient place in the upper town of Tuscaloosa as the Circuit Court shall provide for that purpose," which was lost. Mr. Roper introduced an act respecting, proposed to remove into the county of Tuscaloosa, by abolishing said two old sections. Mr. Collier moved that it be laid on the table with another day; which was lost. Mr. Campbell then moved that it do pass, which failed. The day of March 8 next is appointed for its consideration.



~~House~~ disagreed to the amendment by striking out the second section. Mr. Perkins moved to amend the 21 section, by the following, at the end of the 21 section: "Provided this amount be raised by subscription," which was lost. It was then read a second time as amended and ordered to be engrossed for a third reading on tomorrow.

A message from the senate by Mr. Lyon.

Mr. Speaker—The Senate concur in the amendment made by your Honorable body, to their amendment to the bill entitled, an act to amend an act incorporating the town of Huntsville. They have read three several times and passed a bill which originated in their House entitled, an act to emancipate certain persons therein named, in which they desire your concurrence. They have passed bills which originated in the House of Representatives entitled, an act to authorise the county court of Butler county to make further sales of lots in Greenville, and an act to repeal in part an act passed 27th December, 1814, and have amended the same as herewith shown, in which they desire your concurrence.— They have also passed bills which originated in their House entitled, an act to change the time of holding the county court of Monroe county, an act to provide for reports of the decisions of the supreme court, an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience; an act to incorporate the town of Tuscaloosa, and to repeal an act incorporating said town passed 13th Dec. 1819; & an act to repeal an act, entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 22 1825 so far as the said act relates to the counties of Dallas Madison and Montgomery. In all which they respectfully desire your concurrence, they have also, passed bills which originated in the House of Representatives entitled, an act, to amend a certain act therein mentioned and an act to authorise the administrator of Daniel Mitchell to make and receive assurances of title to certain real estate, and then he withdrew.

Ordered, that the House concur in the amendments made by the senate to the bill entitled an act, to repeal in part an act passed the 27th December 1814 by striking out the words "supposed to be" and substituting in lieu thereof the words "his attorney or agent" Ordered, that the House concur in the amendments, made by the senate to the bill entitled an act, to alter the boundaries of certain counties therein named by striking out the second section, Ordered, that the House concur in the amendment made by the senate to the bill entitled, an act, to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson, by visible and marked boundaries, by striking out the proviso at the end of said bill.

Mr. Moore of Jack, obtained leave to introduce a bill to be entitled an act, giving additional power to the commissioners for superintending the erection of the state Capitol and for compensating the superintendant which was read a first time and ordered to be read a second time on tomorrow.

Mr. Stone obtained leave to introduce a bill to be entitled an act, to authorize Jesse L. of Mobile county to continue his tollbridge over Dog river which was read a first time & ordered to be read a second time on tomorrow.

Mr. Harris presented the record and proceedings of the circuit court of Washington county exercising Chancery Jurisdiction in the case of Japhary, against Mary Parr for divorce, which was read and referred to the committee on divorce and alimony.— Mr. Harris obtained leave to introduce a bill to be entitled an act, to authorize Josiah D. Lister administrator of the estate of Charles Vivian deceased to settle his accounts, &

the circuit court of Washington county which was read a first time and the rule requiring bills to be read on three several days being dispensed with. It was then read a second time forthwith and ordered to be engrossed for a third reading on tomorrow.

Mr. Bradford obtained leave to introduce a bill to be entitled an act, to alter the times of holding company courts martial which was read a first time and ordered to be read a second time on tomorrow.

Mr. Smith of Clark moved to take from the table the bill to be entitled an act, to apportion the representatives among the several counties in this state and to divide the state into Senatorial Districts according to the late Census which was carried *Ordered*, that the House concur in the amendments made to the first section of the bill by striking out after the word "organ" the word "tax" and insert the word "three" *Ordered*, that the House concur to the amendment to the same section by striking out after the word "nourish" the word "tax" and insert the word "three" *Ordered*, that the House disagree to the amendment to the same section by striking out "tax" after the word "bill" to insert one which was carried Yeas 44—Nays 16. The yeas and nays being desired. Those who voted in the affirmative are,

Mr. Speaker; Bell, Bradford, Brown, Broadnax, Bradford, Collier, Conner, Cook, Craig, Dennis, Dutton, Edmundson, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Mon, Moore of Mad, Perkins, Rather, Richardson, Ross, Robertson, Sharp, Sibley, Stone of Mad, Stone, Tarver; Terry, Vaughan, Vining, Waithal, Ward, Weisinger, 44.

Those who voted in the negative are,

Mr. Acklen, Anderson, Bridges, Clark, Coopwood, Daniel, Davis, Ellis, M'Rae of Frank, Moore of Jack, Price, Rainey, Russell, Sargent, Smith of Clark, Wiggins, 16.

*Ordered*, that the House concur in the amendments, by striking out sections, No. 2 and 3, and by substituting two other sections in lieu thereof. Mr. Moore of Jack, who voted in the negative, moved to consider the vote taken on concurring, by striking out the 24 and 25 sections, with a view to transpose section in Franklin, which was lost.

Mr. Ross moved to amend the 1st section, by striking out "Clark" with a view to insert "Wilcox" which was lost, Yeas 15—Nays 13.

The yeas and nays being desired. Those who voted in the affirmative are,

Mr. Speaker, Collier, Craig, Daniel, Edmundson, Forrest, Harris, Jack, Lewis, Martin, M'Vay of Law, Perkins, Ross, Sibley, Stone, 15.

Those who voted in the negative are,

Mr. Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnel, Clark, Colgin, Conner, Cook, Coopwood, Davis, Dennis, Dutton, Duke, Ellis, Greening, Higgins, Kelly, Lawler, M'Vay of Land, Massey, M'Rae of Mon, M'Rae of Frank, Moore of Jack, Moore of Mad, Price, Rainey, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of Mad, Tarver; Terry, Vaughan, Vining, Walker, Waithal, Ward, Weisinger, Wiggins, 47.

Mr. Anderson moved to amend the bill by striking out of the 24 section, the word "Wilcox," with a view to insert "Marengo," which was carried. Mr. Daniel moved to amend the 1st section, by striking out the word "two" to insert the word "one," which was carried. Mr. Moore of Mad, moved to strike out of the 1st section of the bill, the word "two" after the word "Mobile," with a view to insert "one," which

was lost. The bill was then read a second time as amended, and ordered to be read a third time on to morrow.

Mr. Ross moved that the house now adjourn until Wednesday morning 10 o'clock, which was lost, yeas 12—nays 49.

The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Acklen, Broadnax, Collier, Craig, Davis, Harris, Jack, Kelly, Perkins, Ross, Terry, Vaughan, 12.

Those who voted in the negative are.

Mr. Speaker, Anderson, Bell, Bradford, Brown, Bridges, Bonnell, Clark, Colgin, Conner, Coopwood, Daniel, Dennis, Durrel, Duke, Ellis, Edmondson, Forrest, Greening, Higgins, Lawler, Lewis, Martin, M'Vay of Laud, M'Vay of Law, Massey, M'Rae of Mon, M'Rae of Frank, Moore of Jack, Moore of Mad, Price, Rainey, Rather, Richardson, Robertson, Russell, Sargent, Sharp, Sibley, Smith of Clark, Smith of Mad, Stone, Tarver, Vining, Walker, Walthal, Ward, Weisinger, Wiggins, 49.

A message was received from the Governor by James I. Thornton, which he handed in at the Speaker's chair, and then he withdrew. Said message is as follows.

Executive Department, December 24th 1827.

The honorable, the Speaker, and members of the House of Representatives: gentlemen, I have the honor to transmit you the annual report, of the board of trustees of the university of Alabama. I have the honor to be most respectfully, your ob't. servant.

Signed JOHN MURPHY.

Order d, that said message together with the accompanying document lie on the table, and that one hundred and twenty five copies thereof be printed for the use of this House, and then the House adjourned till half past 2 o'clock this evening.

EVENING SESSION, Half past 2 o'clock.

The House met pursuant to adjournment.

Mr. Ellis from the committee on enrolled bills, reported that they had examined, and found correctly enrolled bills of the following titles to wit, an act for the relief of William Ferguson, an act for the benefit of the Pikesville Library company, and an act to give Justices of the Peace jurisdiction of certain contracts therein named, all of which originated in the Senate.

On motion of Mr. Lawler: Ordered, that the Representatives from the county of Jefferson be added to the select committee to whom was referred the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorise Mirajah Jones to turnpike a road therein named.

Engrossed bill from the Senate entitled, an act to provide for the location of the university of the State of Alabama, was read a second time. Mr. Walker moved to amend the bill, by striking out all after the enacting clause, and substituting an amendment in lieu thereof.

Mr. Greening moved to amend the amendment by way of proviso at the end of the 2d section, which was carried, the question was then put on Mr. Walker's amendment as amended, and lost. Mr. Ross moved to amend the bill, by striking out "24," with a view to insert 31st, which was carried. Mr. Ellis moved to amend the bill, by way of the following proviso: Proposed, that the trustees may erect the necessary building at any place within — miles of the site selected by a joint vote of



both Houses of the General Assembly," which was adopted, and the question being put, shall this bill be read a third time on to morrow, it was determined in the affirmative, yeas 48—nays 14.

The yeas and nays being desired. Those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Bell Bradford Brown Broadnax Bridges Bunnell Colgin Collier Conner Cook Davis Dennis Dorrett Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Martin M'Har of mon. M'Har of Frank. Moore of Jack. Moore of mad. Perkins Ratney Richardson Ross Robertson Russell Sharp Sibley Smith of Clarke, Smith of mad. Stone Tarver Terry Vaughan Viking Walker Ward Weisinger Wiggins—48.

Those who voted in the negative are,

Mr. Clark Croopwood Craig Daniel Duke Lawler Lewis M'Vay of Land. M'Vay of Law. Massey Price Rather Sargent Walchall—14.

An engrossed bill entitled "an act to amend and explanatory of an act to authorise William H. Ragsdale and his associates, to takepike a road therein specified," passed 11th day of January 1922, was, on motion of Mr. Martin taken from the table and referred to a select committee consisting of Messrs. Martin Duke and M'Har of Frank.

Mr. Massey obtained leave to introduce a bill to be entitled "an act to compel all persons liable to do military duty to carry their fire arms to all musters and drills, and for other purposes therein specified," which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bills from the Senate of the following titles, to wit: "an act to provide for reports of the decisions of the Supreme court; an act to emancipate certain persons therein mentioned; and an act to authorize and require the Secretary of state to procure and distribute to each county in this state, one set of weights and measures; were severally read a first time and ordered to be read a second time on tomorrow.

Engrossed bill from the Senate entitled "an act to change the time of holding the county court of Monroe county;" was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, & the rule being further dispensed with, it was read a third time forthwith and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Mr. Russell obtained leave to introduce a joint resolution "taking into consideration the demoralising tendency resulting from the common practice of electioneering; which was read a first time and ordered to be read a second time on tomorrow. Mr. Harris then moved that the House adjourn until Wednesday morning 10 o'clock; which was lost. Yeas 29—nays 22. The Yeas and nays being desired, those who voted in the affirmative are,

Messrs. Acklen Anderson Bell Broadnax Collier Craig, Davis, Dennis, Dorrett, Ellis, Forrest Harris Jack Lewis Martin Massey M'Har of mon. M'Har of Frank. Moore of Jack. Perkins Price Rather Robertson Russell Smith of Clarke, Tarver Terry, Vaughan, Walker—29.

Those who voted in the negative are,

Mr. Speaker, Bradford Brown Bridges Bunnell Clark Colgin Conner Cook Croopwood Daniel Duke Edmondson Greening, Higgins, Lawler, M'Vay of Land M'Vay of Law. Moore of mad. Ratney Richardson Sargent Sharp Sibley Smith of mad. Stone Vaughan Walchall Ward Weisinger Wiggins—32.

Mr. Harris then moved that the House adjourn until Wednesday morning, half past 9 o'clock, which was lost. Yeas 30—nays 20. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen Anderson Bell Broadnax Collier Cook Craig Davis Dennis Dorrett Ellis Forrest Harris Jack Lewis Martin Massey M'Har of mon. M'Har of Frank. Moore of Jack. Perkins Price Rather Robertson Russell Smith of Clarke, Tarver Terry Vaughan and Walker—30.

Those who voted in the negative are,

Mr. Speaker, Bradford Brown Bridges Bunnell Clark Colgin Conner Croopwood Daniel Duke Edmondson Greening Higgins Lawler, M'Vay of Land M'Vay of Law. Moore of

Mad. Rainey Richardson, Sargent Sharp, Sibley, Smith of mad., Stone, Vining, Walden, Ward Weisinger and Wiggins—30.

Engrossed bill from the Senate entitled "an act defining the liability of endorsers and for other purposes;" was read a first time and ordered to be read a second time on tomorrow. And then the House adjourned until Wednesday morning; 10 o'clock.

WEDNESDAY, December 26, 1827.

The House met pursuant to adjournment.

Mr. Moore of Jack. from the committee on the state Capitol, having had under consideration a resolution instructing them to inquire into the expediency of providing by law for the sale of the property belonging to the state in the town and vicinity of Cahawba. *Reported* that it is inexpedient at this time to legislate on that subject, because of the scarcity of money: in which report the House concurred.

Mr. Ellis from the committee on enrolled bills, *Reported* that they had examined and found correctly enrolled "an act to incorporate the Blakeley and Greenville turnpike company;" which originated in this House.

Mr. Martin from the select committee to whom was referred an engrossed bill to be entitled "an act to amend and explanatory of an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified" passed the 14th day of January 1826; *Reported* the same with an amendment by adding therein an additional section: in which report the House concurred. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Perry made the following report: The select committee to whom was referred so much of the message of his Excellency the Governor, as relates to the resolutions of the state of Maine and Connecticut, have had the same under consideration and have instructed me to *Report*, that the subjects discussed, and the principles asserted and maintained in the preamble and resolutions of the Legislature of the state of Maine, are of great national importance, and deserve the candid attention of the national and state governments. The legislature of Maine with a patriotic forbearance, waiving the subject of the constitutional power of the general Government to prosecute a scheme of internal improvement within the several states, suggest and sustain with great force, propriety, and clearness of reasoning, a practical substitute for the exercise of that dangerous and contested power calculated to attain the same great results, in a manner every way less liable to objection, when the public debt shall have been paid. It is obvious that a large amount of the surplus revenue will be annually received into the treasury: it is believed that a surplus of ten millions annually; may be applied to the purposes of internal improvement and general education.

The legislature of the state of Maine recommend that this immense sum shall not be expended by, & under the directions of the general government, but on the contrary, shall be annually divided between the several states according to their representation, to be expended by the states respectively, in the prosecution of works of internal improvement and the promotion of education. This course, it is believed, will attain all the objects that the general government can have in view, without promoting in any degree, its alarming tendency to consolidation:—and if the same objects can be attained—the same monuments of wisdom and enterprise arise in the land, and mark the intelligence and energy of the age and the people; if the general government can reasonably calculate on the result; it is confidently believed that a power so questionable on constitutional grounds, and in the opinion of many of the most enlightened patriots, so dangerous to the freedom of the country, will not be put in practice, but yielded at once to the management of the states. It may be worthy of remark, that the power to raise a revenue by imposts, was surrendered by the states to the general government at a time when the debts of the revolutionary war were unpaid, and the credit of the nation so low, as to require the greatest intelligence and energy of the statesmen then

on the stage, to pay the debts and sustain the credit of the general government and promote harmony among the states. It was not then anticipated that the revenue arising from imposts would prove so ample as to extinguish the public debt and leave an overflowing treasury; as it is now probable that it will when all the purposes of this age shall have been attained, the public debt extinguished, the current expenses paid, and a large surplus left in the treasury; the states that granted the power may well claim the redeemed surplus to be returned to them; and it is not perceived upon what fair principle the general government could withhold it. The committee report a joint resolution approving the sentiments contained in the resolutions of the state of Maine, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Rainey obtained leave to introduce a joint resolution, respecting his Excellency the Governor, to cause the remains of the late Isaac Perkins to be removed from the Island of Cuba to his late residence in Lincoln county; which was read a first time. Mr. Russell moved to amend the resolution by adding another member to the title; which was carried, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time; afterwards, and the said rule being further dispensed with, it was then read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr. Lyons.

Mr. SPEAKER:—The Senate have passed bills which originated in their House, entitled "an act to authorize the Judge of the county court and commissioners of revenue and roads of Tallapoosa county, to hold a special court;" "an act to authorize a lottery for the purpose of building an academy and court house in the county of Henry;" and "an act further to amend the charter of the Bank of the state of Alabama;" in all of which they respectfully desire your concurrence.

Mr. Coopwood from the select committee to whom was referred the petition of William Hyns of Lawrence county, praying that a law may be passed authorising him to sell and convey a certain quarter section of land therein mentioned. Reported a bill to be entitled "an act to authorize William Hyns to sell and convey a certain tract of land therein mentioned and for other purposes;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Rainey from the select committee to whom was referred a communication from his Excellency the Governor and trustees of the University, ask leave to be discharged from the further consideration of the same; as a bill embracing the object therein contained is now before the House; which was granted.

On motion of Mr. Walthal Resolved that the secretary of the Board of Trustees of the University be required to furnish this House with a copy of the report of said Board, in compliance with the law requiring them to report a suitable place or places for the location of said institution.

Mr. Coopwood obtained leave to introduce a bill to be entitled "an act to provide for keeping in repair a certain road therein mentioned;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Daniel obtained leave to introduce a bill to be entitled "an act for the relief of Charles Pearson, tax collector of Lawrence county;" which was read a first time and ordered to be read a second time on tomorrow.

On motion of Mr. Terry Resolved that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall at 3 o'clock.



clock p. m. on Saturday next, for the purpose of electing a Judge of the county court for the county of Autauga.

Mr. Rather moved to adopt the following as one of the rules of the House: "And should a motion to adjourn not carry, then it shall not be in order to move for an adjournment for thirty minutes thereafter; which, according to order, lies over for one day."

Mr. McRae of Frank. obtained leave to introduce a bill to be entitled "an act to repeal in part an act passed march 1803, and re-enacted with amendments February 1807;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Stone obtained leave to introduce a bill to be entitled "an act relative to Volunteer companies, in the militia of this state, and for other purposes;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack obtained leave to introduce a bill to be entitled "an act to amend the 5th section of an act regulating judicial proceedings, passed December 16th 1811;" which was read a first time and ordered to be read a second time on tomorrow.

A message from the Governor by James I. Thornton; which is as follows:

DECEMBER 26, 1827.

MR. SPEAKER:—I am instructed by the Governor to inform your honorable body that he did, on the 22d instant, approve and sign the following bills, to wit: an act to authorise the sheriff of Walker county to execute precepts issued by Justices of the peace: an act to authorise the people of the county of Bibb to fix the permanent seat of justice in said county, and for other purposes: and on the 24th instant: a joint resolution requiring the Comptroller of public accounts to furnish the tax collectors and county court clerks with a certified copy of the revenue law of this state: all of which originated in the House of Representatives.

Mr. Walker obtained leave to introduce a memorial to the Congress of the United States, asking permission for the trustees of the University of Alabama, to select other lands in lieu of those herein mentioned: which was read a first time and ordered to be read a second time on tomorrow.

A bill to be entitled "an act for the relief of Caswell R. Clifton, tax collector of Madison county;" was read a second time and ordered to be engrossed for a third reading on tomorrow.

Engrossed bill from the Senate entitled "an act to authorise the Judge of the county court and the commissioners of revenue and roads of Tuscaloosa county to hold a special court," was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled "an act authorising a lottery for the purpose of building an academy and court House in the county of Henry" was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening moved to take from the table the engrossed bill from the Senate entitled "an act to provide for the location of the University of the state of Alabama;" which was lost. Yeas 20—nays 20. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Arthur Anderson, B. Miller, E. Brown, Bennett, Collier, Collier, Connor, Cook, Ellis, F. Foster, Greening, Higgins, Jack, Lewis, &c.

Rae of mon. Moore of Jack. Perkins Rainey. Richardson. Russell. Sargent Sibley Smith of Clarke Stone Tarver Walker Walthall Wiggin &c. Those who voted in the negative are.

Mr. Bell Broadnax Bridges Clark Coopwood. Craig. Daniel. Davis. Dennis Durrett Duke Edmondson Harris Lawler Martin M'Vay of Land M'Vay of Law. Massey M'Rae of Frank. Moore of mad. Price. Rather. Robertson Sharp Smith of mad. Terry Vaughan Vining Ward Westinghouse—50.

A bill to be entitled "an act to authorize the sale of sixteenth sections, and for other purposes," was then taken up. Mr. Terry moved to amend the 1st section of the bill after the word "next" with the words "at such time thereafter as they may appoint, giving at least ~~some~~ day's notice by advertisements in three or more public places in said township;" which was carried. Mr. Jack who voted in the majority, moved to reconsider the vote given on the adoption of Mr. Terry's amendment, which was lost. Mr. Bridges moved to strike out the word "the" in the 2d section; which was lost. Mr. Bridges moved to strike out the section the words "or in some newspaper in or near thereto," which was carried. Mr. Craig moved to amend the 3d section after the word "sale" "or lease for any term of years not exceeding fifty;" which was lost. Mr. Moore of mad. moved to strike out of the 4th section all after the word "township;" which was carried. Mr. Terry moved to amend the 5th section after the word "bidder" with the words "and the commission on the aforesaid shall fix a minimum price on each tract of land so offered for sale, and if there shall be no bid at or above the minimum so fixed, the said land shall remain one year, and then be offered for sale again; and if on the second offer of said land for sale, there shall be no bid at or above the minimum price, the said land may be sold at any time thereafter by said commissioners at the minimum price;" which was carried. Mr. Rainey moved to amend the 8th section by striking out the word "city" to insert the word "eight;" which was carried. Mr. Clark moved to amend the 8th section by striking out from the word "Alabama," including the word "bank" which was carried. Mr. Bridges moved to amend the bill by adding thereto an additional section; which was carried. Mr. M'Vay of Land. moved to amend the bill by adding thereto an additional section which was lost. Mr. Rainey moved to amend the bill by way of the following proviso: "Provided that in all cases where the 16th sections may be sold, that at least one acre shall be reserved on which to erect a school house;" which was lost. Mr. Greening moved to amend the 16th section by way of proviso; which was carried. Mr. Kelly moved to amend the bill by adding thereto an additional section. Mr. Harris moved to amend the bill by adding thereto an additional section; which was carried. Mr. Greening moved to amend Mr. Kelly's amendment, by adding a proviso thereto; which was carried. The question was then, on the adoption of Mr. Kelly's amendment as amended; which was carried. Mr. Lawler moved to amend the 4th section after the word "acres" insert the words "or one quarter section;" which was carried. Mr. Lawler who voted in the majority moved to reconsider the vote given on the adoption of Mr. Kelly's amendment; which was carried. Mr. Lewis moved to strike out Mr. Kelly's amendment. Mr. Clark moved to amend the bill after the word "them" insert "or a majority of them" which was lost. Mr. Kelly moved to amend Mr. Kelly's amendment by inserting after the word "two thirds" which was carried. The question was then, on the adoption of Mr. Kelly's amendment.

which was carried. Yeas 33—nays 22. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Acklen, Bell, Bradford, Brown, Bridges, Bonnell, Colgin, Collier, Conner, Cooper, Coopwood, Craig, Daniel, Davis, Darrett, Duke, Ellis, Edmundson, Forrest, Harris, Kelly, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, Massey, Moore of Jack, Moore of Mad, Perkins, Price, Rainey, Rather, Ross, Robertson, Smith of Clarke, Smith of Mad, Tarver, Terry, Vaughan, Vining, Walther, Ward, Wiggins—38.

Those who voted in the negative are,

Messrs. Acklen, Broadnax, Clark, Cooper, Wood, Craig, Dennis, Ellis, Greening, Harris, Higgins, Jones, Kelly, M'Rae of Mon, M'Rae of Frank, Richardson, Russell, Sargent, Sharp, Sibley, Stone, Walker, &c's over—22.

The bill was then read a second time as amended, and ordered to be engrossed for a third reading on to morrow, and then the House adjourned until 3 o'clock this evening.

EVENING SESSION. 3 o'clock.

The House met pursuant to adjournment.

Mr. Bridges obtained leave to introduce a bill to be entitled, an act to repeal an act therein mentioned, which was read a first time and ordered to be read a second time on to morrow.

Engrossed bill from the Senate entitled, an act further to amend the charter of the bank of the State of Alabama, was read a first time and ordered to be read a second time on to morrow.

Engrossed bill from the Senate entitled, an act to form a seventh judicial circuit, was read a second time. Mr. Clark moved that the bill lie on the table till the 1st day of March next, which was lost, yeas 16—nays 24. The yeas and nays being desired. Those who voted in the affirmative are,

Mr. Anderson, Brown, Clark, Dennis, Greening, Higgins, Lewis, M'Rae of Mon, Rainey, Sibley, Smith of Clark, Stone, Walker, Ward, Weisinger, Wiggins 16.

Those who voted in the negative are,

Mr. Speaker, Acklen, Bell, Bradford, Broadnax, Bridges, Bonnell, Colgin, Collier, Conner, Coopwood, Craig, Daniel, Davis, Darrett, Duke, Ellis, Edmundson, Forrest, Harris, Kelly, Lawler, Martin, M'Vay of Land, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Rather, Richardson, Ross, Robertson, Russell, Sargent, Sharp, Smith of Mad, Tarver, Terry, Vaughan, Vining, Walther 44.

Mr. Perkins then moved that the bill lie on the table, which was carried.

Engrossed bill entitled, an act to establish two additional circuits, was read a third time. Mr. M'Vay of Land moved that the bill lie on the table till the 1st day of June next, which was carried, yeas 36—nays 25. The yeas and nays being desired. Those who voted in the affirmative are,

Mr. Speaker, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Bonnell, Clark, Colgin, Conner, Coopwood, Craig, Daniel, Darrett, Duke, Ellis, Edmundson, Forrest, M'Vay of Land, M'Vay of Law, Massey, Moore of Mad, Paulding, Rather, Richardson, Robertson, Sharp, Sibley, Smith of Mad, Tarver, Terry, Walker, Walther, Weisinger and Wiggins 36.

Those who voted in the negative are,

Mr. Acklen, Collier, Davis, Dennis, Greening, Harris, Higgins, Kelly, Lawler, Lewis, Martin, M'Rae of Mon, M'Rae of Frank, Moore of Jack, Perkins, Price, Rainey, Ross, Russell, Sargent, Smith of Clark, Stone, Vaughan, Vining, Ward 25.

Mr. Craig moved to take from the table the engrossed bill from the Senate entitled, an act to form a seventh judicial circuit, which was carried.



ried, yeas 41—nays 20. The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Speaker Acklen Bell Bradford Brown Broadnax Bridges Bonnell Colgin Collier Conner Coopwood Craig Daniel Davis Durratt Duke Ellis Edmondson Kelly Martin McVay of Land. McVay of Law. Massey M'Rae of mon. M'Rae of Frank. Moore of Jack. Moore of mad. Paulding Price Rather Richardson Ross Robertson Russell Sargent Smith of mad. Terry Vaughan Vining Walker 41.

Those who voted in the negative are.

Mr. Anderson Clark Dennis Forrest Greening Harris Higgins Lawler Lewis Perkins Rainey Sharp Sibley Smith of Clark Stone Tarver Walthal Ward Weisinger and Wiggins 20.

Mr. McVay of Land moved that the bill lie on the table till the first day of June next, which was lost, yeas 26—nays 35. The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Anderson Brown Bonnell Clark Colgin Craig Dennis Durratt Greening Harris Higgins Lawler Lewis McVay of Land. Massey M'Rae of mon. Rainey Sharp Sibley Smith of Clark Stone Tarver Walthal Ward Weisinger Wiggins 26.

Those who voted in the negative are.

Mr. Speaker Acklen Bell Bradford Broadnax Bridges Collier Conner Coopwood Daniel Davis Duke Ellis Edmondson Forrest Kelly Martin McVay of Law. M'Rae of Frank. Moore of Jack. Moore of mad. Paulding Perkins Price Rather Richardson Ross Robertson Russell Sargent Smith of mad. Terry Vaughan Vining Walthal 35.

Mr. Greening then moved that the bill be referred to the select committee, which was carried.

Engrossed bill to be entitled, an act to apportion the Representatives among the several counties of this state, and divide the state into Senatorial districts according to the late census, was on motion of Mr. Clark taken up, it was then read a third time. Mr. Stone moved to amend the bill by way of engrossed rider, by adding thereto an additional provision, which was lost, yeas 17—nays 45. The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Bonnell Collier Ellis Greening Harris Higgins Lewis Paulding Rainey Ross Sharp Sibley Smith of Clark Stone Tarver Walthal Ward 17.

Those who voted in the negative are.

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Conner Cook Coopwood Craig Daniel Davis Dennis Durratt Duke Edmondson Ellis Kelly Lawler Martin McVay of Land. McVay of Law. Massey M'Rae of Frank. Moore of Jack. Moore of mad. Perkins Price Rather Richardson Russell Sargent Smith of mad. Terry Vaughan Vining Walker Weisinger and Wiggins 28.

Mr. Speaker Acklen Anderson Brown Broadnax Bonnell Clark Colgin Cook Davis Duke Greening Harris Higgins Kelly Lawler Lewis Martin M'Rae of mon. Rainey Ross Russell Sargent Sharp Sibley Smith of Clark Smith of mad. Moore of Jack. Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins 28.

Those who voted in the negative are.

Messrs. Bell Bradford Brown Bridges Collier Conner Coopwood Craig Durratt Duke Ellis Edmondson Forrest McVay of Land. McVay of Law. Massey Moore of Jack. Moore of mad. Paulding Perkins Price Rather Richardson Robertson 21.

Engrossed bills of the following titles, to wit: an act for the relief of William Jones of Walker county; an act to provide for the support of paupers, in the counties of Madison, Autauga, Tuscaloosa and Clark, were severally read a third time and passed: Ordered, that the titles be as



State recommending an amendment of the constitution of the United States have had well-considered opinions, and ask leave to report that they concur with the General Assembly of the state of Ohio, in its adoption of the constitutional laws of a community as to be entirely made. They believe that political wisdom, matured by experience, forbids any innovation unless called for by some palpable defect. But some committee are of opinion, that the constitution of the United States is palpably defective in giving the election of President and Vice-President to the House of Representatives. The Congress, however, is not competent to exercise of that power, may result in the election of a President, not elected to the choice of the people, which is incompatible with the principles of a republican government and might be avoided when practicable. A committee would therefore recommend that the constitution of the United States be so amended, as to give the election of President and Vice-President to the people, in such manner as to preserve equality of rights to all the different states of the Union and to effect that end, it is recommended the adoption of a joint resolution proposing amendments to the constitution of the United States, in relation to the election of President and Vice-President, which was read a first time and ordered to be read a second time on four o'clock.

Mr. Wallhal obtained leave to introduce a bill to be entitled "an act to incorporate the trustees of ———— Academy, in Perry County," which was read a first time and ordered to be read a second time on four o'clock.

A bill to be entitled "an act to amend an act passed at the last session to establish the town of Whitesburg, and incorporate the trustees thereof," was read a second time and referred to a select committee consisting of Messrs. Vining, Acklen, and Craig.

A bill to be entitled "an act to authorize the county court of Jackson County, to levy an extra tax," Mr. Moore of Jackson County introduced the bill by adding thereto an additional section, which was read. The bill was read a second time as amended and ordered to be read a third time on tomorrow.

A bill to be entitled "an act to amend an act to incorporate the town of Montgomery," Mr. Vaughan moved to amend the bill by adding a proviso, which was carried. The bill was then read a second time as amended and Ordered to be engrossed for a third reading, to-morrow.

Engrossed bills of the following titles, to wit: an act to authorize Isaiah D. Lister, administrator of the estate of Charles Alexander, dec'd, to settle his accounts in the circuit court of Washington County; joint resolution in relation to an exchange of sixteenth sections; and resolutions in relation to the Cherokee boundary; were severally read a third time and passed. Ordered that the titles be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled "an act relative to the duties of Grand Jurors" was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

A bill to be entitled "an act to amend an act entitled an act providing for the erection of a state capitol and for other purposes," was on motion of Mr. Coopwood laid on the table.

A bill to be entitled "an act in relation to a certain ford therein mentioned," was read a second time. Mr. Sibley moved that the bill be considered as engrossed and be read a third time forthwith, which was carried. The bill was then read a third time and passed. Ordered that the



title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A bill to be entitled "an act to extend to St. Clair county, concurrent civil and criminal jurisdiction with Autauga county, in the Creek nation." Mr. Lawler moved to amend the bill by adding "Shelby" after the word "St. Clair," wherever it occurs in the bill; which was carried. The bill was then read as amended a second time, and ordered to be engrossed for a third reading tomorrow.

A bill to be entitled "an act the better to designate the free people of color." Mr. Colgin moved to amend the bill by inserting the word "height" before the word "complexion" in the 1st section; which was carried. The bill was then, on motion of Mr. Coopwood, referred to a select committee consisting of Messrs. Coopwood, Smith of mad and Lawler.

Bills of the following titles, to wit: an act to amend an act entitled an act concerning roads, highways, bridges, and ferries in the county of Mobile: an act to emancipate certain slaves therein named: an act to authorise the election of a Justice of the Peace in the town of Columbia in Shelby county: were severally read a second time and ordered to be engrossed for a third reading on tomorrow.

Engrossed bill from the Senate entitled "an act to incorporate the Somersville Philomathian society," was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon.

MR. SPEAKER:—The Senate has passed bills which originated in their House, entitled "an act reviving an act authorising a lottery for the benefit of the navigation of the Butterhatchee river: an act to authorise the court of revenue and roads in the county of Wilcox to alter state roads in said county: an act fixing the times of holding the Orphans' court of the several counties in this state: and an act to authorise John P. Neale, agent of William A. Powell, to emancipate John Robinson a man of color: in all of which they respectfully desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled "an act to aid in the endowment of a Humane Charity Hospital in the city of Mobile." And then he withdrew.

Engrossed bills from the Senate of the following titles, to wit: an act to authorise John P. Neale, agent of William A. Powell, to emancipate John Robinson, a man of color: an act fixing the times of holding the Orphans' court of the several counties in this state: an act reviving an act authorising a lottery for the benefit of the navigation of the Butterhatchee river: an act to authorise the court of revenue and roads of the county of Wilcox, to alter state roads in said county: were severally read a first time and ordered to be read a second time tomorrow.

A bill to be entitled "an act for compensating Jesse Beene," was on motion of Mr. Coopwood laid on the table. Engrossed bill to be entitled "an act to regulate the inspection of tobacco in this state," was read a third time. Mr. Anderson moved that the further consideration of the bill be indefinitely postponed: which was lost. Yeas 20—nays 51. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen, Anderson, Bennell, Clark, Colgin, Coopwood, Daniel Duncanson, Duke Ellis, Edmondson, Martin M'Rae of Frank, Rather, Richardson, Robertson, Russell, Sargent, Vining—20.

Those who voted in the negative are,

Mr. Bell Bradford Brown Broadnax Bridges Conner. Davis, Dennis Higgins Jack Lawler M'Vay of Land. M'Vay of Law. Massey M'Rae of mon. Moore of Jack. Moore of mad. Perkins Price Rainey Sharp Sibbey Smith of Clarke. Smith of mad. Stone Terry Vaughan Walthal Ward Weisinger Wiggins--31

Mr. Rather moved to amend the bill by way of the following engrossed order: "Provided that nothing herein contained shall prevent any person or persons from sending chewing tobacco to market in kegs of less than five hundred pounds." Mr. Stone moved to amend the amendment by striking out the words "kegs of" to insert "less quantity;" which was carried; and the question being put, shall this bill pass? it was determined in the negative.

Mr. Rather moved that the following be adopted as one of the rules of this House: and should a motion to adjourn not carry, then it shall not be proper to move for an adjournment for thirty minutes: which was lost.

A bill to be entitled "an act to repeal in part and amend an act entitled an act respecting slaves" passed March 6th 1805, was read a second time and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled "an act to amend in part an act entitled an act to peace into one, the several acts concerning roads, bridges, ferries, and highways." Mr. Rather moved that the bill lie on the table till the first day of March next; which was lost. Mr. Stone moved to amend the bill by way of the following proviso: provided the provisions of this act shall not extend to or operate in the county of Mobile: which was carried. Mr.

Cooper moved to amend the bill by way of the following proviso: provided said apportioners shall not be exempt from working on roads: which was lost. The bill was then read a second time and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled "an act to authorize sheriffs to take bonds in certain criminal cases." was read a second time. Mr. Daniel moved to amend the bill by adding thereto an additional section; which was carried. Mr. Martin moved to amend the bill by adding after the word "manner" the words "and under the same restrictions and conditions as," which was carried. Mr. Forrest moved to amend the bill with the following: "and all recognizances so taken shall have the force and effect of recognizances taken by Justices of the peace;" which was carried. The bill was then ordered to be engrossed for a third reading on tomorrow.

Engrossed bill from the Senate entitled "an act concerning the owners and keepers of mills, and other water works;" was read a second time and referred to a select committee consisting of Messrs. Craig, Edmonson and Martin.

Engrossed bill from the Senate entitled "an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes," was read a second time and referred to the Judiciary committee. And then the House adjourned until three o'clock this evening.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

A bill to be entitled, an act to change the place of holding the medical board, for the district of Cabawba; was read a second time and ordered to be engrossed for a third reading on to morrow.

Engrossed bill entitled, an act for the relief of Caswell R. Clifton, tax collector of Madison county, was read a third time, and on Mr. Martin's motion, was laid on the table.

A bill to be entitled, an act authorising the heirs, representatives, and associates, of John Byler deceased, to erect a gate on the road known by the name of Byler's turnpike road, was on motion of Mr. M'Vay of Land, taken from the table. Mr. Moore of mad. moved that the bill lie on the table, which was lost. Mr. Perkins then moved that the further consideration of the bill be indefinitely postponed, which was lost, yeas 5, nays 43. The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Bridges Collier Davis Martin and Perkins 5.

Those who voted in the negative are. Mr Speaker Acklen Anderson Bell Bradford Brown Broadnax Bonnell Clark Colgin Conner Cook Daniel Dennis Durrett Duke Edmondson Forrest Higgins Lawler M'Vay of Land. M'Vay of Law. Massey M'Rae of mon. M'Rae of Frank. Moore of mad. Paulding Price Rainey Rather Richardson Robertson Sargent Sharp Sibley Smith of Clark Terry Vaughan Walker Walthal Ward Weisinger and Wiggins 47.

The bill was then read a second time and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled, an act for compensating Jesse Beene, was on motion of Mr. Walker taken from the table, and read a second time. Mr. Clark moved to strike out the words, "one hundred and fifty four dollars and 13 cents, which was carried, yeas 16—nays 22. The yeas and nays being desired, those who voted in the affirmative are.

Mr. Anderson Bell Bradford Brown Bridges Clark Colgin Craig Daniel Davis Durrett Edmondson Forrest Lawler Martin M'Vay of Land. M'Vay of Law. Massey M'Rae of Frank. Moore of mad. Perkins Rather Richardson Robertson Sargent Tarver Vaughan Walthal Ward and Wiggins 20.

Those who voted in the negative are.

Mr. Speaker Acklen Broadnax Bonnell Collier Conner Cook Coopwood Dennis Duke Greening Higgins M'Rae of mon. Paulding Rainey Ross Russell Sharp Sibley Vining Walker and Weisinger 22.

Mr. Clark then moved to strike out of the section all after the word "cents," which was lost. Mr. Martin moved to amend the bill by way of the following proviso, after the word "Alabama:" *Provided*, that before the said Beene shall receive the said sum hereby allowed for copying the opinions of the supreme court, he shall relinquish and assign over to the state, all his title to the same, which was carried, and the question being put, shall this bill be engrossed and read a third tomorrow. And then the House adjourned until tomorrow morning 9 o'clock.

FRIDAY, December 23, 1827.

The House met pursuant to adjournment.

Mr. Lawler from the select committee to whom was referred the petition of sundry citizens of Shelby county, praying the passage of an act to establish a turnpike road from M'Murray's old saw mill in Jefferson county to Montevallo, Reported a bill to be entitled "an act to establish a turnpike road from M'Murray's old saw mill, on the Shades creek in Jefferson county, to Charles Mandines in Shelby county," which was read a first time and ordered to be read a second time on Monday next.

Mr. Clark who voted in the majority on yesterday, moved to reconsider the vote given on the passage of a bill to be entitled "an act to regulate the inspection of tobacco in this state," which was carried. The bill was then put on its passage, and the question being put, shall this bill



pass? it was determined in the affirmative. *Ordered*, that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

The House then resumed the consideration of the question to engross and read a third time, the bill to be entitled "an act for compensating Jesse Beene;" and the question being put, shall this bill be engrossed and read a third time? it was determined in the negative.

A bill to be entitled "an act to repeal an act therein mentioned;" was on motion of Mr. Weisinger, laid on the table till Monday next.

Bills of the following titles, to wit: an act to authorise Jesse Lott of Mobile county, to continue his toll bridge on Dog river: an act giving additional powers to the commissioners for superintending the erection of the state Capitol, and for compensating the superintendent: an act to provide for the establishment of the permanent seat of Justice in the county of Walker: an act to increase the capital of the Bank of the state of Alabama: and an act providing for the election of a sheriff of Blount county, and for other purposes, were severally read a second time and ordered to be engrossed for a third reading on tomorrow.

Mr. Forrest who voted in the majority, moved to reconsider the vote taken on the question to engross the bill entitled "an act for compensating Jesse Beene;" which was lost.

Mr. Coopwood from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Washington county, exercising chancery jurisdiction in the case of James Pharr against Mary Pharr for divorce, reported a bill to be entitled "an act to divorce James Pharr from Mary Pharr," which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and ordered to be engrossed for a third reading on tomorrow.

Mr. Clark obtained leave to introduce a bill to be entitled "an act relative to the estate of Isaac Edwards, late of Conecuh county, deceased;" which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bills of the following titles to wit: an act to authorise the raising of three thousand dollars for the purpose of building a bridge across Shoal creek: an act to amend an act entitled an act to incorporate the town of Mooresville and for other purposes," passed the 16th day of November 1818, were severally read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled "an act further to amend the charter of the Bank of the state of Alabama," was read a second time and referred to the committee on the state Bank.

Engrossed bill entitled "an act to provide for the compensation of Jurors," was read a third time. Mr. M'Vay of Loud. moved that the further consideration of the bill be postponed until the first day of June next; which was carried. Yeas 31—nays 50. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Bell Bradford Brown Clark Conner Craig Daniel Davis Durrett Duke Edmondson Forrest Lawler Martin M'Vay of Loud. M'Vay of Law. Massey M'Rae of Mon, M'Rae of Frank. Moore of Jack. Paulding Perkins Price Rainey Rather Richardson Robertson Russell Sargent Taylor Terry—31.

Those who voted in the negative are,  
Messrs. Speaker, McKen Anderson Broadnax Bridges Bonnell Colgin Cook Corcoran

Dennis Ellis Greening Harris Higgins Jack Kelly Lewis Moore of mad. Ross Sharp Sibley, Smith of Clarke, Stone, Vaughan, Vining; Walker, Walthal, Ward, Weisinger, Wiggins—30.

A message from the Senate by Mr. Crabb.

MR. SPEAKER:—The Senate concur in the resolution of your honorable body, proposing to go into the election of a Judge of the county court of Autauga county on Saturday next, (tomorrow;) and have amended the same by striking out "three" and inserting "one o'clock;" in which they ask your concurrence. They have passed a bill which originated in the House of Representatives, entitled "an act to amend and explanatory of an act to authorise William H. Ragsdale and his associates, to turnpike a road therein specified" passed 14th day of January 1826. And then he withdrew.

Ordered that the House concur in the amendment made by the Senate to the resolution proposing to go into the election of a Judge of the county court for Autauga county, by striking out "three" and inserting "one."

Engrossed bill from the Senate entitled "an act to repeal an act entitled an act to provide for the payment of credit jurors in certain counties therein named" approved December 23d, 1825, so far as said act relates to the counties of Dallas, Madison and Montgomery, was referred to a select committee consisting of Messrs. Walker Tarver, Sharp, Anderson and Weisinger.

Engrossed bill entitled "an act to locate the seat of Justice in the county of Tuscaloosa," was read a third time. Mr. Jack moved to amend the bill by way of the following engrossed rider: "Provided that this act shall not be so construed as to prevent the Orphans' court, and the court of revenue and roads from being holden in the county clerk's office;" which was carried. Mr. Rather moved to fill the blank in the 2d section of the bill with \$5,350; which was lost. Yeas 10—nays 50. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Bell Bradford Craig Davis Edmondson Price Rather Russell Walker Weisinger—10  
Those who voted in the negative are,

Mr. Speaker, Acklen Anderson Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Daniel Dennis Durrett, Duke, Ellis, Forrest, Greening, Harris, Higgins Jack, Kelly Lawler Lewis Martin M'Vay of Laud, M'Vay of Law, Massey, M'Rae of mon. Moore of Jack, Moore of mad, Paulding Rainey, Richardson Ross Robertson Sargent Sharp Sibley Smith of Clarke, Stone Tarver Terry Vaughan Vining Walthal Ward Wiggins—50.

Mr. Weisinger moved to fill the blank with \$5,000 which was lost. Mr. Rather moved to fill the blank with \$3,567; which was lost. Mr. Higgins moved to fill the blank with \$2,675, which was carried. Yeas 29—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Bell Bradford Broadnax Coopwood Craig Davis, Durrett, Duke Edmondson Higgins Lawler M'Vay of Law Massey M'Rae of mon. Moore of mad Price Rather Robertson Russell Sharp Sibley Smith of Clarke Stone Terry Vaughan Walker Walthal Weisinger Wiggins—29.

Those who voted in the negative are,

Mr. Speaker, Acklen Anderson Brown Bonnell, Clark, Colgin, Collier, Conner, Cook, Daniel Dennis Ellis Forrest, Greening Harris Jack Kelly Martin M'Vay of Laud, Moore of Jack, Rainey, Richardson Ross Sharp, Tarver, Vining—27.

Mr. Jack then moved that the further consideration of the bill be indefinitely postponed; which was lost. Mr. Perkins moved to amend the bill by way of engrossed rider by adding thereto two additional sections. Mr. Jack then moved to amend the amendment by striking out the words "in front of the new Banking house;" with a view to insert the words "at the intersection of Broad and Market streets;" which was carried. The amendment was then adopted. Mr. Perkins moved further to amend

the bill by way of the following engrossed rider: "those that erected the court House, is understood to allude to the persons who paid the commissioners for the present location;" which was carried. Mr. Collier moved to amend the bill by way of engrossed rider, by adding thereto an additional section; which was carried. Yeas 32—nays 24. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Brown Broadnax Bonnell Clark Colgin Collier Conner Cook Coopwood Daniel Durratt Duke Ellis Forrest Greening Harris Higgins, Jack, Kelly, Martin M'Rae of mon. M'Vay of Land Moore of Jack, Price Rainey Sargent Smith of Clarke, Tarver Vaughan—32.

Those who voted in the negative are,

Mr. Bell Bradford Davis Dennis Edmondson M'Vay of Law Massey M'Rae of Frank Moore of mad. Perkins Rather Ross Robertson Russell Sharp Sibley Stone Terry Vining Walker Walthal Ward Weisinger and Wiggins—24.

The bill was then passed. Ordered, that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled "an act to provide for the location of the University of the state of Alabama;" was read a third time. Mr. Moore of mad. moved to fill the blank in the proviso with the word "twenty" which was lost. Mr. Lewis moved to fill the blank with the word "fifteen," which was carried. Mr. Moore of Jack moved to amend the bill by adding thereto an additional section; which was lost. Yeas 1 nays 59. The yeas and nays being desired; those who voted in the affirmative are,

Mr. Moore of Jack—1.

Those who voted in the negative are,

Mr. Speaker, Acklen Anderson Bell Bradford Brown Bridges Bonnell Clark Colgin Collier Conner, Cook Coopwood Craig Daniel Davis Dennis Durrett Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin M'Vay of Land, M'Vay of Law, Massey M'Rae of mon. M'Rae of Frank, Moore of mad. Perkins Price, Rainey Rather Richardson Ross Robertson Russell Sargent Sharp Sibley, Smith of Clarke, Stone Tarver Terry Vining Walker Walthal Ward Weisinger Wiggins.

Mr. Rather moved to amend the bill by adding thereto an additional section; which was lost. And the question being put, shall this bill pass? it was determined in the affirmative. Yeas 32—nays 29. The yeas & nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Bradford Brown Bridges Colgin Collier Conner Davis Ellis Forrest Greening, Harris, Jack, Kelly, Martin, M'Rae of Frank, Moore of Jack, Moore of mad., Perkins, Rainey Richardson Ross Russell, Sibley, Smith of Clarke, Stone, Vaughan, Vining, Walker, Wiggins—32.

Those who voted in the negative are,

Mr. Bell Broadnax Bonnell Clark Cook Coopwood Craig Daniel Dennis Durrett Duke Edmondson Higgins Lawler Lewis M'Vay of Land, M'Vay of Law, Massey, M'Rae of mon. Price, Rather, Robertson, Sargent Sharp Tarver Terry Walthal Ward Weisinger, 29.

The bill was then passed. Ordered, that the title be as aforesaid. Ordered, that the Clerk acquaint the senate therewith.

Engrossed bill entitled, an act for the relief of Caswell R. Clifton tax collector of madison county, was on motion of Mr. Kelly then taken up and read a third time, and the question being put, shall this bill pass, it was determined in the affirmative yeas 44—nays 15. The yeas and nays being desired, those who voted in the affirmative are,



Mr. Speaker Acklen Anderson Brown Broadnax Bonnel Colgin Conner Cook Craig Davis Dennis Durrett Edmondson Forrest Harris Higgins Jack Kelly Lawler Lewis Martin Moore of Jack. Moore of real. Perkins Price Rainey Rather Richardson Ross Robertson Russell Sharp Sibley Smith of Clark Stone Tarver Terry Vaughan Vining Walker Walthall Ward Wiggins 44.

Those who voted in the negative are.

Messrs. Bell Bradford Clark Coopwood Daniel Duke Ellis Greening M'V. of Land. M'Vay of Law. Massey M'Rae of Mon. M'Rae of Frank. Sargent Weisinger 15.

The bill was then passed: Ordered, that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence. And then the House adjourned until 3 o'clock this evening.

EVENING SESSION, 3 o'clock.

The House met pursuant to adjournment.

A bill to be entitled, an act to permit administrators, executors, and guardians, to sell real estate where it may be for the benefit of the heirs. Mr. M'Vay of Land. moved that the further consideration of the bill be indefinitely postponed, which was carried.

Bills of the following titles, to wit: an act to incorporate the trustees of the academy in Henry county, an act to provide for keeping in repair a certain road therein mentioned, were severally read a second time, and ordered to be engrossed for a third reading on tomorrow.

A joint resolution in relation to the election of President and Vice President of the United States, was on motion of M. Vining referred to a select committee, consisting of Messrs. Vining Kelly Moore of Jack, and Daniel.

A bill to be entitled, an act changing the time of holding county courts in Green county, was read a second time and referred to a select committee, consisting of Messrs. Rainey Richardson Colgin and Walthall.

Engrossed bill from the Senate entitled, an act to authorize John P. Neale, agent of William A. Powell to emancipate John Robinson, a man of color, was read a second time. Mr. Vining moved to strike out all after the word "therein," which was carried; it was then ordered to be read a third time on tomorrow.

Engrossed bill from the Senate entitled, an act fixing the times of holding the orphan's court of the several counties of this state, was read a second time. Mr. Stone moved to amend the bill by adding after the word "court houses" the words "or places of holding of courts," which was carried. Mr. Terry then moved that the further consideration of the bill be indefinitely postponed, which was carried.

Mr. Greening obtained leave to introduce a joint resolution, authorizing the Governor to order the Quartermaster General of this state, to deliver a field piece to the artillery company at Charlotte, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of real, moved to reconsider the vote taken on laying on the table till Monday next a bill to be entitled, an act to repeal an act therein mentioned, which was carried, the bill was then taken from the table and read a second time: Mr. Greening moved to amend the bill by adding after the word "office," the words "except on bills of exchange, which was carried: Mr. M'Vay of Land, moved to strike out the 1st section of the bill, which was lost. Mr. Kelly moved to amend it by adding after the word "endorsers," the words "or securities," which was carried, and

the question being put shall this bill be engrossed and read a third time, it was determined in the affirmative, yeas 50—nays 7: The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Coopwood Craig Daniel Davis Dennis Durrett Duke Ellis Edmondson Forrest Greening Higgins Kelly Lawler Martin M'Vay of Loud, M'Vay of Law, Massey M'Rae of Mon, Moore of Ind, Paulding Price Rainey Rather Richardson Robertson Russell Sargent Sharp Sibley Smith of Clark Stone Terry Vaughan Ward Weisinger Wiggins 50:

Those who voted in the negative are:

Messrs: Harris Jack M'rae of Frank, Moore of Jack, Ross Vining Walthal 7:

A bill to be entitled, an act to authorize William Hynds to sell and convey a certain tract of land therein mentioned, and for other purposes, was read a second time: Mr. Kelly moved to amend it by way of proviso at the end of the second section: The bill was then ordered to be engrossed for a third reading on tomorrow.

Engrossed bill from the Senate entitled, an act to authorize the court of revenue and roads of the county of Wilcox to alter state roads in said county was read a second time and referred to a select committee consisting of messrs. Bridges, Daniel, and Sharp.

Mr. Bridges, presented the petition of sundry inhabitants of Wilcox county praying that the law on the subject of a road therein mentioned may remain unaltered which was read and referred to a select committee consisting of messrs. Bridges, Daniel, and Sharp.

Engrossed bill from the Senate entitled, an act revising an act authorizing a lottery for the benefit of the navigation of the Buttahatchie river was read a second time and ordered to be read a third time tomorrow. Mr. Rainey, who voted in the majority moved to reconsider the vote given on postponing until the first day of June next. The engrossed bill entitled, an act to provide for the compensation of jurors which was lost. Mr. Jack moved that the House do now adjourn until half past 9 o'clock tomorrow morning. Yeas 27—nays 29. The yeas and nays being desired by Mr. Greening, those who voted in the affirmative are,

M. J. Allen Brown Broadnax Clarke, Collier, Conner, Craig, Davis, Durrett Duke Ellis Forrest Jack Martin M'Vay of Law, Massey M'Rae of Frank Moore of Jack, Perkins, Price, Rather, Richardson, Russell, Smith of Clark Terry Vaughan Vining—27.

Those who voted in the negative are,

Mr. Speaker Acklen Anderson Bell Bradford Bridges Bonnell, Colgin, Cook, Coopwood Daniel Dennis Edmondson Greening Harris, Higgins, Kelly, Lawler, M'Vay of Loud, Moore of Ind, Rainey, Robertson, Sargent, Sharp Sibley Stone Walthal Ward Weisinger Wiggins—29.

Mr. Moore of Jack, moved that the House adjourn until tomorrow morning 9 o'clock; which was carried. Yeas 23—nays 27. The yeas and nays being desired by Mr. Greening, those who voted in the affirmative are,

Mr. Speaker, Acklen, Bell Brown, Broadnax, Collier, Conner, Cook, Craig Daniel Davis Duke Ellis Forrest Jack Martin M'Vay of Law, Massey M'Rae of Frank, Moore of Jack, Perkins Price Rather Richardson Russell Terry Vaughan Vining—28

Those who voted in the negative are,

Messrs. Anderson Bradford Bridges Bonnell Clark Colgin Coopwood Dennis Durrett Edmondson, Greening, Harris, Higgins, Kelly, Lawler, m<sup>r</sup> Ty of Lou<sup>y</sup>, Moore of Ind. Rainey R. Harrison Sargent Sharp Sibley, Stone Walthell W. W. Wisinger Wiggins—27.

And then the House adjourned until tomorrow morning 9 o'clock.

SATURDAY, December 29, 1827.

The House met pursuant to adjournment.

M<sup>r</sup> Wiggins presented the petition of James Thompson, tax collector of Monroe county, praying for relief therein mentioned; which was read and referred to the committee on propositions and grievances.

Mr. Duke presented the petition of sundry inhabitants of Marion county, praying the passage of a law to establish a certain road mentioned; which was read and referred to the committee on roads, bridges and ferries.

Mr. Ellis from the committee on enrolled bills *Reported* that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to change the time of holding the county court of Monroe county; an act to authorise the Judge of the county court and commissioners of revenue and roads of Tuscaloosa county to hold a special court, which originated in the Senate; also, an act to alter the boundaries of certain counties therein named.

Mr. Martin from the committee on propositions and grievances, to whom was referred the petition of Joseph Owens, *reported* a bill to be entitled "an act for the relief of Joseph Owens;" which was read a first time and ordered to be read a second time on Monday next.

Mr. Martin from the committee on propositions and grievances to which was referred the petition of Romeo Audre, *reported* a bill to be entitled "an act to emancipate certain persons therein named;" which was read a first time and ordered to be read a second time on Monday next.

Mr. Coopwood from the select committee to which was referred a bill to be entitled "an act the better to designate free persons of color;" *reported* the same with the following amendments: by striking out the word "them" in the 8th line of the 1st section, and inserting the word "by;" and also by striking out all the first section after the word "be" in the 9th line, and inserting the following: "filed in the clerk's office, there to remain until said free persons of color shall be about to leave the county; and all free persons of color; all, within one month after they become residents of any county in this state, file with the clerk of the county court his or her free papers; and on failure to do so, shall be dealt with as run-away slaves: provided that whenever it may be necessary, the clerk shall certify that the free papers of any free person of color is regularly filed in his office, which shall be sufficient evidence of their freedom: also by striking out the 4th section; in which amendments the House concurred.

On motion of Mr. Bradford *resolved*, that the Judiciary committee be instructed to inquire into the expediency of extending the time within which suits founded on open accounts be instituted; and that the said committee report by bill or otherwise.

M<sup>r</sup> de Rae of Mon. from the select committee to whom was referred the petition of sundry persons living in the town of Claiborne and its vicinity, praying the passage of a law authorising the election of an additional constable in the beat embracing said town, *reported* a bill to be entitled "an act to authorise the election of an additional constable in the beat embracing the town of Claiborne;" which was read a first time and ordered to



be read a second time on Monday next.

Mr. Moore of Jack, obtained leave to introduce a joint resolution to provide a house for the accommodation of the next General Assembly, which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the committee on the state Capitol.

The motion of Mr. M'Zac of Frank, resolved that the select committee appointed to draft a memorial to the Congress of the United States, to release the purchasers of public lands &c. be requested to take into consideration the expediency of instructing our Senators and requesting our representatives in Congress to use their best exertions to have a law passed for the encouragement of the manufacturers of iron and castings; to make a donation of a certain quantity of land that has been offered for sale and would not bring the minimum price, for the encouragement of iron masters.

A message from the Senate by Mr. Lyon.

MR. SPEAKER:—The Senate have passed bills which originated in their House entitled an act for the relief of appearance bail; and an act to authorize John G. Creagh to bring to this state the slaves of his wards Anne D. Houze and James Houze: in which they desire your concurrence. They have passed bills which originated in the House of Representatives, entitled an act in relation to a certain fund therein mentioned: an act concerning the estates of deceased persons and have amended the same in the manner herewith shewn: also an act altering the punishment of forgery and counterfeiting in certain cases, and have made sundry amendments thereto all of which accompany the Bill; and also a joint resolution proposing amendments to the constitution of the state of Alabama, and have amended the same by striking out "5 years;" the time for and during which the Judges were to be elected, and by inserting in lieu thereof "seven years," as their period of service, and by striking from the resolution all that part relating to the classification of the Judges and substituting the accompanying amendment upon the same subject in lieu thereof: in all of which amendments they respectfully desire your concurrence. And then he withdrew.

Ordered that the House concur in the amendments made by the Senate to the bill entitled "an act concerning the estates of deceased persons by striking out in the 2d section the word "and" in the 16th line, and all after the 17th, 18th, and 19th lines of the same section, and from the beginning to the word "and" exclusive of the 20th line and the words "with interest as aforesaid" in the 22d line of the same second section. Order. ed. that the House disagree to the amendments made by the Senate to the bill entitled "an act altering the punishment of forgery and counterfeiting," by inserting in the 7th line of the 1st section, after the word "any," the words "last will or testament gold or silver coin made current by law;" the House disagree to the amendment made in the 22d line of the 1st section, by inserting after the word "counterfeited" the words "gold or silver coin." Ordered that the House concur in the amendments made by the Senate to the bill by striking out the 2d section: strike out of the 3d section, 2d line, after the word "hereafter" and insert the word "after" in the 3d line after the words "procured to be" inserted the word "after" in the 3d line after the words "aid and assist in the" insert the word "in the" in the 15th line strike out the words "in the same manner as is prescribed in the second section of this act," and

insert the words 'with death,' in lieu thereof—which was concurred in by the House. Ordered that the House concur in the amendment made by the Senate to the joint resolution proposing amendments to the constitution of the state of Alabama, by striking out 'six years,' the time for and during which the Judges were to be elected, and by inserting in lieu thereof 'seven years.' Yeas 47—nays 14. The yeas and nays being desired, those who voted in the affirmative are,

*Mr. Speaker: Ashton Anderson Bell Bradford Brown Broadnax Bonnell Clark Colgin Conner Cook Coopwood Daniel Davis Dennis Duke Edmondson Forrest Harris Higgins Jack Kelly Lawler Lewis m'Vay of Loud. m'Vay of Low Massey m'Rae of Frank. Moore of mad. Paulding Rainey Richardson Robertson Russell Sargent Sharp Sibley, Smith of Clarke, Stone, Turner Terry Vaughan Walker Ward Weisinger Higgins—47.*

Those who voted in the negative are,

*Mr Bridges Craig Durrett Ellis Greening Martin m'Rae of mon. Moore of Jack Perkins Price Rather Ross Vining Walthal—14.*

Mr. Greening moved that the resolution lie on the table; which was carried.

Mr. Greening from the Judiciary committee to whom was referred a bill to be entitled, an act to form a seventh Judicial circuit, Reported the same with the following amendment, to wit: "strike out all after the words 'to wit,' in the 3d line of the section and insert the following, viz: "the circuit court of the county of Morgan shall commence on the first Mondays in March and September, and may sit two weeks: the circuit court for the county of Jackson shall commence on the third Mondays in March and September, and may sit two weeks: and the circuit court of Madison county shall commence on the first Monday after the fourth Monday in March and September, and may sit until the business is completed: In which amendments the House concurred. Mr. Greening moved to strike out the counties named in the 1st section of the bill. It was then laid on the table until Monday next.

Mr. Vaughan moved to reconsider the vote given yesterday on the passage of the bill entitled "an act to provide for the location of the University of the state of Alabama: which was lost. Yeas 29—nays 33. The yeas and nays being desired, those who voted in the affirmative are,

*Messrs. Bell Brown Rae Briggs Bonnell Clark Cook Coopwood Craig Daniel Dennis Durrett Duke Edmondson Lawler Lewis m'Vay of Loud. m'Vay of Low m'Rae of Frank. Price, Rather, Sargent: Robertson, Sharp, Turner Terry Vaughan Walthal Ward and Weisinger—29.*

Those who voted in the negative are,

*Messrs. Speaker Ashton Anderson Bradford Brown Colgin Collier Conner Dennis Ellis Forrest Greening Harris Higgins Jack Kelly Martin. Massey, m'Rae of mon. Moore of Jack: Moore of mad: Paulding, Perkins, Rainey, Richardson Ross Russell Sibley Smith of Clarke Stone Vining Walker Higgins—33.*

Mr. Rainey from the select committee to whom was referred a bill to be entitled: "an act to alter the times of holding the county courts of the county of Greene, Reported the bill with an amendment, by striking out all after the enacting clause, and by substituting an amendment in lieu thereof: in which amendment the House concurred: it was then read a second time as amended and ordered to be engrossed for a third reading on Monday next.

Mr. Coopwood offered the following resolution: Resolved that the committee on the state Bank be instructed to inquire into the expediency of so amending the charter of said Bank, that no individual body politic or

corporate shall hereafter become indebted to said Bank in a greater sum than five hundred dollars, so far as relates to the accommodation fund; which was lost.

Engrossed bills from the Senate of the following title to wit: an act to authorise John G. Creagh to bring into this state the slaves of his wards Anne D. Houze and James Houze; and an act for the relief of appearance bail; were severally read a first time and ordered to be read a second time on Monday next.

Engrossed bills from the Senate entitled "an act to organize and establish a circuit court in Dale county, and to arrange the counties of the first second and sixth judicial circuits," was, on motion of Mr. Terry referred to a select committee consisting of Messrs Perry Greening, Cook Broadnax, Bridges and M'Rae of mon.

A bill to be entitled "an act to authorise the commissioners of revenue and roads of Mobile county, to levy a special tax and for other purposes" was read a second time and ordered to be engrossed for a third reading on Monday next.

Engrossed bill from the Senate entitled "an act to preserve the health of the inhabitants residing on Sinking Creek, in Lauderdale county," was read a first time, and on motion of Mr. Craig, referred to the committee on propositions and grievances.

Joint resolution requiring the Bank of Mobile to report their situation to the General Assembly, was read a second time. Mr. Stone offered the following proviso: "Provided the state of Alabama shall take and subscribe for the stock reserved by this state in the capital of said Bank; which was lost; it was then laid on the table.

Engrossed bill from the Senate entitled "an act to provide for reports of the decisions of the Supreme Court, was read a second time and referred to the Judiciary committee.

Engrossed bill entitled "an act to authorise the sales of sixteenth sections and for other purposes," was read a third time. Mr. Moore of Jackson moved to amend the bill by way of the following engrossed rider; "one thousand or double the value of the section to be determined by the commissioners. Mr. Forrest moved to amend the amendment with the following; "if the minimum price of the section should exceed one thousand dollars;" which was lost. The question was then put, on Mr. Moore's amendment and lost. Mr. Perkins moved to reconsider the vote taken on filling the blank with \$15,000, which was lost. Mr. Lawler moved to amend the bill by way of the following engrossed rider; "in such sum as the Judge of the county court may direct, not exceeding fifteen thousand;" which was carried. Mr. Acklen moved to amend the bill by way of the following engrossed rider; "Provided said commissioners shall not either by himself or any person for them, become the purchaser of said land;" which was lost. And the question being put, shall this bill pass? it was determined in the affirmative. Yeas 45—nays 13. The yeas and nays being desired, those who voted in the affirmative are,

Messrs Speaker Anderson Balford Benton Broadnax Bridges Bunnell Clark Colgin Collier Conner Cook Daniel Davis Dennis Duke Ellis Forrest Greening Harris Higgins Jack Lawler Massey M'Rae of mon: M'Rae of Beaulieu: Moore of Jackson: Moore of mud: Perkins Rainey Rather. Richardson, Russell Sargent Sharp, Smith of Clarke, Stone, Tarver, Terry, Vaughan, Walker, Wallthal Ward Weisinger and Wiggins.

Those who voted in the negative are,

Mr. Acklen Bell Coopwood Craig Durrett Edmondson Martin M'Vay of Lauderdale: M'Vay of Law. Price Robertson Sibley Fving—13



Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr. Lyon.

MR. SPEAKER—The Senate have amended the amendment made by Your honorable body to the bill entitled "an act to provide for the location of the University of the state of Alabama," by striking out the 31st day of December, and inserting the words "the 29th day of December at 4 o'clock P. M." so as to go into the location of the University this day at 4 o'clock P. M. They concur in the remainder of the amendments made by your honorable body to the bill. The House concur in the amendment made by the Senate to said bill, by striking out 31st and inserting 29th. Yeas 31—nays 29. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Bradford Brown Broadnax Bonnell Clark Dennis, Greening Harris Higgins Jack Kelly Lorimer Lewis Martin Masses m' Rae of m' Rae Moore of Jack Rather Russell Sargent Sharp Sibley, Smith of Clark Stone Tarter Terry Walker Ward Higgins—31

Those who voted in the negative are,

messrs Anderson Bell Bridges Clark Colgin Collier Conner Coopwood, Craig Daniel Davis Darrett Duke Ellis Edmondson Forrest, m' Vay of Laud m' Vay of Law m' Rae of Frank Moore of mad Perkins, Price Rainey Richardson Robertson Vaughan Vining Bickel and Weisinger.

On motion of Mr. Terry Resolved that the Senate be informed that the House of Representatives are ready to receive them to go into the election of a Judge of the county court for the county of Autauga, and that the east end of the Hall be appropriated for their reception. The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a Judge for the county court for the county of Autauga. Alwin A. M'Whorter being put in nomination, those who voted for Alwin A. M'Whorter are,

Mr. President, Abercrombie Ashe Barton Brown Casey Crabb Earle Hubbard Irwin Jackson Jones M'Camy Merriwether Miller Moore Powell Shackelford Skomer Sullivan, of the Senate. Mr. Speaker, Acklen, Anderson Bell Bradford Brown Broadnax Bonnell Clark Colgin Collier Conner Cook Coopwood Craig Daniel Davis Dennis Darrett Duke Edmondson Forrest Greening Harris Higgins Jack, Kelly, Lewis, Martin, M'Vay of Laud, M'Vay of Law Masses M' Rae of Frank, Moore of Jack, Moore of mad Perkins Rainey Rather Richardson Ross Robertson Russell Sargent Sharp Smith of Clarke Stone Terry, Vaughan, Vining, Walker Walchal Ward Weisinger and Higgins—74.

Alwin A. M'Whorter having received a majority of votes given, Mr. Speaker therefore declared him duly elected Judge of the county court for Autauga county. And then the House adjourned until two o'clock.

EVENING SESSION, 2 o'clock,

The House met pursuant to adjournment.

A message from the Governor by James I. Thornton.

DECEMBER 28, 1827.

MR. SPEAKER—The Governor did, on the 28th instant, approve and sign the following bills: an act to provide for ascertaining the sense of the citizens of Autauga county with regard to the seat of Justice in said county: an act to revive and continue in force an act passed the 31st day of December, 1822, entitled an act to incorporate the town of Jonesboro, in the county of Jefferson: an act to alter the boundary line between the counties of Shelby and Autauga: an act relative to offsets be-

Justice of the peace and for other purposes: and an act to incorporate the Blakeley and Greenville Turnpike Company, all of which originated in the House of Representatives.

Mr. Coopwood obtained leave to introduce a bill to be entitled "an act for the relief of Andrew O. Horn," which was read a first time and ordered to be read a second time on Monday next.

Engrossed bill from the Senate entitled, an act to authorize and require the Secretary of State, to provide and distribute to each county in this State, one sett of weights and measures, was read a second time. Mr. Weisinger moved to amend the bill by striking out of the 2d section, the words "twelve and one half," with a view to insert six and one fourth," which was carried. Mr. Forrest moved to amend the 2d section by striking out from the word "advertisement," to the word "by," which was carried.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled, an act to provide for the location of the university of the State of Alabama.

Engrossed bill from the Senate entitled, an act to repeal so much of the 3d section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba the 4th day of June 1821 as is hereby specified, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days, being dispensed with, it was then read a second time forthwith. Mr. Coopwood moved to strike out the words "five hundred," wherever they occur in the bill, which was lost. Mr. M'Vay of Land, moved that the further consideration of the bill be indefinitely postponed, which was lost, yeas 23—nays 38.

The yeas and nays being desired: Those who voted in the affirmative are.

Messrs. Anderson Fell Bradford Brown Clark Craig Daniel Davis Durrett Duke Edmondson M'Vay of Land, M'Vay of Law, M'Rae of Frank, Moore of mad, Roberts on Russell Sargent Smith of mad, Vining Walker Weisinger and Wiggins 23.

Those who voted in the negative are.

Messrs. Speaker Acklen Broadnax Bridges Bonnell Colgin Collier Conner Cook Coopwood Dennis Ellis Forrest Greening Harris Higgins Jack Kelly Lattler Martin Massey M'Rae of mon, Moore of Jack, Paulding Perkins Price Rainey Rather Richardson Ross Sharp Smith of Clark Stone Tarver Terry Vaughan Walthal and ward 38.

Engrossed bill entitled, an act to extend to St. Clair and Shelby counties, concurrent civil and criminal jurisdiction, with Autauga county in the creek nation, was read a third time and passed: Ordered, that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

On motion of Mr. Acklen: Resolved, that the Senate be informed that the House of Representatives is now ready to receive them for the purpose of going into the election of a site for the university, and the east end of the Hall be assigned for their reception; whereupon the Senate having repaired to the Hall of the House of Representatives, and after having taken the seats assigned them, Mr. President arose and announced the object of the meeting, when the two Houses proceeded by joint vote, to the selection of a site for the university of the State of Alabama, pursuant to the provisions of an act of the present session.

The University lands near Gages; Greensborough in Greene County; La-Grange in Franklin County; Athens in Limestone County; Mountcallo in

Shelby County; Honeycomb Springs in Jackson County; Sommerville in Morgan County; Waltham in Lawrence County; Davis's in Autauga County; Greenville in Butler County; Tuscaloosa, Elyton & Village Springs being in nomination. The votes stood thus.—For Gage's 4.—Greensborough 6.—Lagrange 1.—Athens 12.—Montevallo 7.—Honeycomb Springs 5.—Sommerville 4.—Moulton 4.—Davis's 22.—Greenville 1.—Tuscaloosa 11.—Elyton 4.—Village Springs none.

Those who voted for locating the University at or near Gage's are, Messrs. Sullivan, of the Senate. Smith of C. Waltham, and Weisinger, of the House of Representatives.

Those who voted for Greensborough are, Mr. Merriwether. Rep's. Anderson, Coggin, Rainey, Richardson, and Jones.

Those who voted for Lagrange are, Mr. Skinner. Rep's. Kelly, M'Kee of Frank, and Sargent.

Those who voted for Athens are, Mr. President. Rep's. Acklen, Bell, Craig, Durrell, Edmondson, Martin, M'Vay of Laud, Moore of Mad, Robertson, Smith of Mad, and Vining.

Those who voted for Montevallo are, Messrs. Ashe, Shackelford, Rep's. Bradford, Clark, Harris, Lawler, and Massey.

Those who voted for Honeycomb Springs in Jackson County are, Messrs. M'Camy, Miller. Rep's. Moore of J. Child and Russell.

Those who voted for Sommerville are, Messrs. Crabb, Evans. Rep's. Messrs. Rather, and Vaughan.

Those who voted for Moulton are, Messrs. Hubbard, Rep's. Coopwood, Daniel, and Vay of Law.

Those who voted for Davis's are, Messrs. Abernethie, Barton, Casey, Irwin. Rep's. Mr. Speaker, Broadnax, Bridges, Bonnell, Cook, Durrell, Evans, Greening, Higgins, Lewis, M'Vay of Law, Sharp, Sibley, Tarver, Terry, Walker, Ward, and Weisinger.

Mr. Jones voted for Greenville.

Those who voted for Tuscaloosa are, Messrs. Elyle, Jackson, Moore, and Powell. Rep's. Messrs. Coggin, Cooper, Duke, Ellis, Jack, Perkins, & Stone.

Those who voted for Elyton are, Messrs. Brown. Rep's. Brown, Forrest, and Paulding.

Neither of the places in nomination having received a majority of the whole number of votes the two Houses proceeded to vote a second time for a site for the location of the University. The vote stood thus.—For Gage's 4.—Greensborough 5.—Lagrange 7.—Athens 15.—Montevallo 7.—Honeycomb Springs 2.—Sommerville 5.—Davis's 24.—Tuscaloosa 12.—Elyton 4.—Village Springs 1.—

Those who voted for Gage's are, Messrs. Sullivan, Rep's. Smith of C. Waltham, and Weisinger.

Those who voted for Greensborough are, Messrs. Merriwether. Rep's. Anderson, Coggin, Rainey, and Richardson.

Those who voted for Lagrange are, Messrs. Skinner. Rep's. Coopwood, Craig, Daniel, M'Vay of Law, M'Kee of Frank, Sargent.

Those who voted for Athens are, Mr. President, Miller, Hubbard. Rep's. Acklen, Bell, Durrell, Edmondson, Kelly, Martin, M'Vay of Laud, Moore, of mad, Robertson, Russell, Smith of mad, Vining.

Those who voted for Montevallo are, Messrs. Shackelford, Ashe. Rep's. Bradford, Clark, Harris, Lawler, Massey.

Those who voted for Honeycomb Springs are, Messrs. M'Camy, and Moore of Jack.

Those who voted for Sommerville are, Mr. Crabb. Rep's. Messrs. Rather and Vaughan.

Those who voted for Davis's are, Messrs. Abernethie, Barton, Casey, Evans, Irwin, Jones. Rep's. Mr. Speaker, Broadnax, Bridges, Bonnell, Cook,



Davis, Dennis, Greening, Higgins, Lewis, M'Rae of men. Sharp, Sibley, Tarver, Terry, Walker, Ward, and Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Moore, Powell, Rep's. Collier, Conner, Duke, Ellis, Jack, Perkins, Ross, Stone.

Those who voted for Elyton are, Messrs. Brown. Rep's. Brown, Forrest, and Paulding.

Mr. Price voted for Village Springs.

Neither of the places in nomination having received a majority of the whole number of votes the two Houses proceeded to vote a third time for a site for the location of the University Greensborough being withdrawn. The votes stood thus—Gages 4.—Lagrange 9.—Athens 17.—Montevallo 8.—Davis 24.—Elyton 5.—Tuscaloosa 17.

Those who voted for Gages are, Mr. Sullivan. Rep's. Smith of C. Walshall, and Weisinger.

Those who voted for Lagrange are, Messrs. Crabb, Hubbard, Skinner. Rep's. Coopwood, Daniel, M'Rae of F. M'Vay of Land, Rather, Sargent.

Those who voted for Athens are, Mr. President, Miller. Rep's. Acklen, Bell, Craig, Dirrett, Edmondson, Kelly, Martin, M'Vay of Law, Moore of mad. Price, Robertson, Russell, Smith of mad. Vaughan, and Vining.

Those who voted for Montevallo are, Messrs. Ashe, Shackleford. Rep's. Bradford, Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis in Autauga County are, Messrs. Abercrombie, Barton, Casey, Evans, Irwin, James. Rep's. Mr. Speaker, Broadnax, Bridges, Bunnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of men. Sharp, Sibley, Tarver, Terry, Walker, Ward, Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Merriwether, Moore, Powell. Rep's. Messrs. Anderson, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, and Stone.

Those who voted for Elyton are, Messrs. Brown, M'Camy. Rep's. Brown, Forrest, Paulding.

No one place having received a majority of the whole number of votes the two Houses proceeded to vote a fourth time for a site on which to locate the University. The votes stood thus—Gages 3.—Lagrange 4.—Athens 22.—Montevallo 10.—Davis 24.—Tuscaloosa 19.—Elyton 3.

Those who voted to locate the University at or near Gages are, Messrs. Smith of Clark, Walshall, and Weisinger of the House of Rep's.

Those who voted for Lagrange are, Messrs. Crabb, Skinner. Rep's. M'Rae of Frank, and Sargent.

Those who voted for Athens are, Mr. President, Hubbard, Miller. Rep's. Acklen, Bell, Coopwood, Craig, Daniel, Dirrett, Edmondson, Kelly, Martin, M'Vay of Law, M'Vay of Land, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, Vining.

Those who voted for Montevallo are, Messrs. Ashe, M'Camy, Shackleford. Rep's. Bradford, Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis in Autauga County are, Messrs. Abercrombie, Barton, Casey, Evans, Irwin, James. Rep's. Mr. Speaker, Broadnax, Bridges, Bunnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Rae of men. Sharp, Sibley, Tarver, Terry, Walker, Ward, & Wiggins.

Those who voted for Tuscaloosa are, Messrs. Earle, Jackson, Merriwether, Moore, Powell. Rep's. Anderson, Brown, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, Stone.

Those who voted for Elyton are, Mr. Brown. Rep's. Forrest, and Paulding.

No place in nomination having received a majority of the whole number, the two Houses proceeded to vote a fifth time for a site on which to locate the University. Gages place being withdrawn, the votes stood thus: Lagrange 4, Athens 20, Montevallo 10, Davis 26, Tuscaloosa 20, Elyton 3. Those who voted to locate the University at Lagrange are, Messrs. Hubbard, Skinner. Rep's. M'Rae of Frank, and Sargent.

Those who voted for Athens are: Mr. President, Miller M'Vay of Law, M'Vay of Land, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, Vining.

Those who voted for Montevallo are Messrs. Ashe, M'Camy, Shackelford, Bradford, Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted Davis in Autauga are Messrs. Abernethie, Barton, Casey, Evans, Irwin, Jones, Rep's Messrs. Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Kee of Mon. Sharp, Sibley, Tarver, Terry, Walker, Walthal, Ward, Wiggins, and Wiggins.

Those who voted for Tuscaloosa are Messrs. Crabb, Earle, Jackson, Merriwether, Moore, Powell, Rep's Mr. Speaker, Anderson, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, Smith of Clarke, and Stone.

Those who voted for Elyton are Messrs. Brown. Rep's Messrs. Brown, Forrest, Kel, and Paulding.

No place having received the requisite majority the two Houses proceeded to vote a sixth time for a site on which to locate the University.

The votes stood thus—For Lagrange 3.—Athens 22.—Montevallo 9.—Davis 27.—Tuscaloosa 20.—Elyton 5.

Those who voted for Lagrange as a suitable site are, Mr. Skinner. Rep's Messrs. M'Kee of Frank. & Sargent.

Those who voted for Athens are, Mr. President, Hubbard, Miller, Rep's, Acklen, Bell, Coopwood, Craig, Daniel, Durrett, Edmondson, Kelly, Martin, M'Vay of Land, M'Vay of Law, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, and Vining.

Those who voted for Montevallo are,

Messrs. Ashe, M'Camy, Shackelford, Sullivan. Rep's Messrs. Clark, Harris, Lawler, Massey, Moore of Jack.

Those who voted for Davis are,

Mr. Abernethie, Barton, Casey, Evans, Irwin, Jones, Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Greening, Higgins, Lewis, M'Kee of Mon. Sharp, Sibley, Tarver, Terry, Walker, Walthal, Ward, Wiggins, and Wiggins.

Those who voted for Tuscaloosa are, Messrs. Crabb, Earle, Jackson, Merriwether, Moore, Powell. Rep's Mr. Speaker, Anderson, Colgin, Collier, Conner, Duke, Ellis, Jack, Perkins, Rainey, Richardson, Ross, Smith of Clarke, and Stone.

Those who voted for Elyton are,

Mr. Brown. Rep's Messrs. Bradford, Brown, Forrest, and Paulding.

No place received the requisite majority it being 40 minutes after six Mr. Craig moved that the House adjourn until Monday morning 10 o'clock which was lost.—Yeas 23 nays 40.

The two Houses proceeded to vote a seventh time for a site on which to locate the University.

The votes stood thus. For Lagrange 3.—Athens 22.—Montevallo 6.—Davis 27.—Tuscaloosa 20.—Elyton 4.—

Those who voted for Lagrange as a site for the University are, Messrs. Skinner, M'Kee of Franklin, and Sargent.

Those who voted for Athens are Mr. President, Hubbard, Miller, Rep's Acklen, Bell, Coopwood, Craig, Daniel, Durrett, Edmondson, Kelly, Martin, M'Vay of Land, M'Vay of Law, Moore of mad. Price, Rather, Robertson, Russell, Smith of mad. Vaughan, Vining.

Those who voted for Montevallo are Messrs. M'Camy, Shackelford. Rep's Messrs. Clark, Lawler, Massey, Moore of Jack.

Those who voted for Davis in Autauga are Messrs. Abernethie, Ashe, Barton, Casey, Evans, Irwin, Jones, Sullivan. Rep's Messrs. Broadnax, Bridges, Bonnell, Cook, Davis, Dennis, Harris, Higgins, Lewis, M'Kee of Mon. Sharp, Sibley, Tarver, Terry, Walker, Walthal, Ward, Wiggins, and Wiggins.

Those who voted for Tuscaloosa are Messrs. Brown, Crabb, Earle, Jackson, Merriwether, Moore, Powell. Rep's Mr. Speaker, Anderson, Colgin, Collier, Conner, Duke, Greening, Jack, Perkins, Rainey, Richardson, Ross, Smith of C. and Stone.

Those who voted for Elyton are Messrs. Bradford, Brown, Forrest, and Paulding.

Those who voted in the affirmative are messrs. Bridges Clark Cook ~~Ward~~  
Craig Daniel Davis Durrett Duke Edmondson Lawler m'Vay of Law  
Paulling Price Rather Russell Sargent Smith of mad. Terry Vining  
Vaughan Walthal Weisinger.

Those who voted in the negative are messrs. Speaker Acklen Anderson  
Bell Bradford Brown Broadnax Bonnell Colgin Collier Conner Dennis  
Ellis Forrest Greening Harris Higgins Jack Kelly Lewis Martin m'Vay  
of Lawl. Massey m'Rae of mon. m'Rae of Frank. Moore of J. Moore of  
mad. Perkins Rainey Richardson Ross Robertson Sharp Sibley Smith of C.  
Stone Tarver Walker Ward and Wiggins.

No one of the places in nomination having received the requisite num-  
ber of votes the two Houses proceeded to vote the eighth time for a site on  
which to locate the University. The votes stood thus.—For Lagrange 5.  
Athens 19.—Montecarlo 6.—Davis' 50.—Tuskaloosa 21.—Elyton 3.

Those who voted to locate the University at Lagrange are Messrs. Hub-  
bard Skinner. Rep's. Duke m'Rae of F. and Sargent.

Those who voted for Athens are Mr. President Miller. Rep's. messrs.  
Acklen Bell Coopwood Craig Daniel Durrett Edmondson Martin M'Vay  
of Lawl. m'Vay of Lawl. Moore of mad. Price Robertson Russell Smith  
of mad. Vaughan and Vining.

Those who voted for Montecarlo are messrs. m'Camy Shackelford.  
Rep's. messrs. Clark Lawler messrs. Moore of Jackson.

Those who voted for Davis' in Autauga are messrs. Abercrombie Ashe  
Barton Casey Evans Irwin Jones Sullivan. Rep's. messrs. Broadnax  
Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis  
m'Rae of mon. Ross Sharp Sibley Stone Tarver Terry Walker Walthal  
Ward Weisinger and Wiggins.

Those who voted for Tuskaloosa are messrs. Brown Crabb Earle Jack-  
son Merriwether Moore Powell. Rep's. Mr. Speaker Anderson Brown  
Colgin Collier Conner Ellis Jack Kelly Perkins Rainey Rather Richard-  
son Smith of Clark.

Those who voted for locating the University at Elyton are messrs. Brad-  
ford Forrest and Paulling.

Neither of the places in nomination having received a majority of the  
whole number the two Houses proceeded to vote the ninth time for a place  
on which to locate the University. The votes stood thus.—For Lagrange  
3.—Athens 20.—Montecarlo 5.—Davis' 50.—Tuskaloosa 21.

Those who voted to locate the University at Lagrange are messrs. Hub-  
bard m'Camy Skinner. Rep's. messrs. Duke m'Rae of Frank. Moore of J.  
Rather Sargent.

Those who voted for Athens are Mr. President Miller Acklen Bell Coop-  
wood Craig Daniel Durrett Edmondson Kelly Martin m'Vay of Lawl. m'Vay  
of Lawl. Moore of mad. Price Robertson Russell Smith of mad. Vaughan  
and Vining.

Those who voted for Montecarlo are messrs. Shackelford Bradford Clark  
Lawler and Massey.

Those who voted for Davis' in Autauga County are messrs. Abercrombie  
Ashe Barton Casey Evans Irwin Jones Sullivan. Rep's. messrs. Broadnax  
Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m-  
Rae of mon. Ross Sharp Sibley Stone Tarver Terry Walker Walthal Ward  
Weisinger and Wiggins.

Those who voted to locate the University at Tuskaloosa are messrs. Brown  
Crabb Earle Jackson Merriwether Moore Powell. Rep's. Mr. Speaker An-  
derson Brown Colgin Collier Conner Ellis Forrest Jack Paulling Perki-  
ns Rainey Richardson Smith of C.



Neither of the places in nomination having received a majority of the whole number the two Houses proceeded to vote the tenth time for a site on which to locate the University. The votes stood thus:—Lagrange 7—Athens 20.—Montevallo 8.—Davis' 31.—Tuskaloosa 18.

Those who voted for locating the University at Lagrange are messrs. Crabb Hubbard Skinner Duke m'Rae of F. Price & Sargent.

Those who voted for locating the University at Athens are Mr. President Jackson Miller. Rep's. messrs. Acklen Bell Coopwood Craig Daniel Dupret Edmondson Kelly Martin m'Vay of Law. m'Vay of Land. Moore of mad. Robertson Russell Smith of mad. Vaughan & Vining.

Those who voted for Montevallo are messrs. m'Camy Shackelford Bradford Clark Lawler Massey Moore of J. and Rather.

Those who voted for locating the University at Davis' in Autauga County are messrs. Abercrombie Ashe Barton Casey Earle Evans Irwin Jones Sullivan. Rep's. Mr. Speaker Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of mon. Sharpe Sibley Stone Tarver Terry Walker Walthal Ward Weisinger & Wiggins.

Those who voted for locating the University at Tuskaloosa are messrs. Brown Merriwether Moore Powell. Rep's. Anderson Brown Colgin Collier Conner Ellis Forrest Jack Paulding Perkins Rainey Richardson Ross Smith of C.

No place received a majority of the whole number of votes. Mr. Clark moved that the House adjourn until Monday morning 10 o'clock which was lost. Yeas 20—nays 37. The yeas and nays being desired, those who voted in the affirmative are.

Messrs. Acklen Bell Bridges Clark Cook, Coopwood, Craig, Daniel, Davis Dennis Durrett Duke Edmondson Lawler m'Vay of Law. Irwin Rather Robertson Russell Sargent Smith of mad. Terry Vaughan Vining Walthal Ward.

Those who voted in the negative are.

Messrs. Speaker. Anderson Bradford Brown Broadnax Bonnell Colgin Collier Conner Ellis Forrest Greening Harris Higgins Jack Kelly Lewis Martin m'Vay of Land. Massey m'Rae of mon. m'Rae of F. Moore of J. Moore of mad. Paulding Perkins Rainey Richardson Ross Sharp Sibley, Smith of C. Stone Tarver Walker Weisinger and Wiggins—37.

The two Houses then proceeded to vote the eleventh time for a site on which to locate the University. The votes stood thus:—Lagrange 8.—Athens 23.—Montevallo 8.—Davis' 30.—Tuskaloosa 21.

Those who voted to locate the University at Lagrange are messrs. Duke m'Rae of F. and Sargent.

Those who voted for Athens are Mr. President Hubbard Jackson Miller Skinner. Rep's. Acklen Bell Coopwood Craig Daniel Durrett Edmondson Martin m'Vay of Law. m'Vay of Land. Moore of mad. Price Rather Robertson Russell Smith of mad. Vaughan & Vining.

Those who voted for Montevallo are messrs. Brown m'Camy, Shackelford. Rep's. messrs. Bradford Clark Lawler Massey Moore of J.

Those who voted for Davis' in Autauga County are messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones Sullivan. Rep's. Mr. Speaker Anderson Broadnax Bridges Bonnell Cook Davis Dennis Greening Harris Higgins Lewis m'Rae of mon. Sharp Sibley Stone Tarver Terry Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Tuskaloosa are messrs. Crabb Earle Merriwether Moore Powell. Rep's. messrs. Brown Colgin Collier Conner Ellis Forrest Jack Kelly Paulding Perkins Rainey Richardson Ross Smith of Clark.

No place in nomination having received a majority of votes, Mr. Forrest moved that the House adjourn until Monday morning 10 o'clock, it

then being 20 minutes past 8 o'clock p. m. which was lost. Yeas 29—nays 34. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Acklen Bell Bridges Clark Coopwood Craig Daniel Davis Dennis Durrett Duke Ellis Edmondson Forrest Lawler Martin M'Vay of Laud M'Vay of Law. M'Rae of F. Paulding Price Robertson Russell Sargent Smith of mad. Vaughan Vining Walthal and Ward.

Those who voted in the negative are,

Messrs Speaker Anderson Bradford Brown Broadnax Bonnell Colgin Conner Conner Cook Greening Harris Higgins Jack Kelly Lewis Massey M'Rae of mon. Moore of J. Moore of mad. Perkins Rainey Rather Richardson Ross Sharp Sibley Smith of C. Stone Tarver Terry Walker Weisinger and Wiggins—34.

The two Houses then proceeded to vote the twelfth time for a site on which to locate the University. The votes stood thus.—For Lagrange 4.—Athens 20.—Montevallo 4.—Davis' 40.—Tuskaloosa 15.

Those who voted for Lagrange are Messrs. Skinner Duke m'Vay of F. and Sargent.

Those who voted to locate the University at Athens are Mr. President Burton Miller. Rep's. Messrs. Acklen Bell Coopwood Craig Daniel Durrett Edmondson Martin m'Vay of Law. m'Vay of Laud. Moore of mad. Price Robertson Russell Smith of mad. Vaughan Vining.

Those who voted for Montevallo are Messrs. m'Camy Bradford Clark Lawler.

Those who voted for locating the University at Davis' are Messrs. Abernethy Aime Barton Brown Casey, Eadie, Evans Irwin, Jackson, Jones Sta. Alford, Sullivan. Rep's. Mr. Speaker, Anderson, Brown, Broadnax, Briggs, Bonnell, Cook, Davis, Dennis, Greening, Harris, Higgins, Kelly, Lewis, Massey, M'Rae of mon. Moore of Jack. Ross, Sharp, Sibley Stone, Tarver, Terry, Walker Walthal, Ward, Weisinger, & Wiggins.

Those who voted for locating the University at Tuskaloosa are Messrs. Crabbe, Merriweather, Moore, Powell. Rep's. Messrs. Colgin, Collier, Conner, Ellis, Forrest, Jack, Paulding, Perkins, Rainey, Rather, Richardson, Smith of Clark.

Neither of the places in nomination having received a majority of the whole number of votes, Mr. Coopwood then moved that the House adjourn until Monday morning 10 o'clock. Mr. Speaker stated that it was out of order to move for an adjournment, the Senate then being in the Hall of the House of Representatives, from which opinion Mr. Coopwood appealed. The yeas and nays being desired, those who voted in favor of the decision made by the Speaker, are:

Messrs Acklen Anderson Bell Bradford, Brown, Broadnax, Bridges, Bonnell Colgin Collier Conner Cook Davis Dennis Ellis Forrest Greening Harris Higgins Jack Kelly Lewis Martin Massey m'Rae of mon. m'Rae of F. Moore of J. Moore of mad. Paulding Perkins, Price, Rainey, Rather Richardson Ross Robertson Russell Sargent Sharp Sibley Smith of C. Stone Tarver Walker Ward Weisinger and Wiggins.

Those who voted in the negative are,

Messrs. Clark Coopwood Craig Daniel Durrett Duke Edmondson m'Vay of Laud. m'Vay of Law. Smith of mad. Terry Vaughan Vining Walthal.

The two Houses then proceeded to vote the thirteenth time for a site on which to locate the University. The votes stood thus.—For Lagrange 3. Athens 10.—Montevallo 4.—Davis' 37.—Tuskaloosa 30.

Those who voted for Lagrange are Messrs. Daniel m'Rae of Frank and Sargent.

Those who voted for Athens are Messrs. Miller Durrett Edmondson Martin m'Vay of Law. M'Vay of Land. Robertson Smith of mad. Vaughan Young.

Those who voted for Montevallo are Messrs. Bradford Clark Lawler and Price.

Those who voted for Davis in Autauga County are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones m'Caney Shackelford Sullivan Rep's. Mr. Speaker Anderson Broadnax Bridges Bonnell Cook Craig Davis Dennis Greening Harris Higgins Lawler Lewis Massey m'Rae of mon. Moore of J. Russell Sharp Sibley Stone Tarver Terry Walker Walthead Ward Weisinger and Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabbs Earle Hubbard Jackson Merriwether Moore Powell Skinner. Rep's. Acklen Bell Brown Colgin Collier. Comer Copeland Duke Ellis Forrest Jack Kelly Moore of mad. Paulding Perkins Rainey Ratner Richardson Ross Smith of clerk.

Neither of the places in nomination having received a majority of the whole number of votes the two houses proceeded to vote the twentieth time for a site on which to locate the University. Montevallo being withdrawn. The votes stood thus.—For Lagrange 3.—Athens 7.—Davis 37. Tuscaloosa 35.

Those who voted for Lagrange are Messrs. Skinner m'Rae of Franklin and Sargent.

Those who voted for Athens are Messrs. Hubbard Miller. Rep's. Craig Durrett Martin m'Vay of Law and Vaughan.

Those who voted for Davis in Autauga are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones m'Caney Shackelford Sullivan. Rep's. Mr. Speaker Broadnax Bridges Bonnell Clark Cook Davis Dennis Greening Harris Higgins Lawler Lewis Massey m'Rae of mon. Moore of J. Price Russell Sharp Sibley Tarver Terry Walker Walthead Ward Weisinger and Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabbs Earle Jackson Merriwether Moore Powell. Rep's. Acklen Anderson Bell Bradford Brown Colgin Collier. Comer Copeland Daniel Duke Ellis Edmondson Forrest Jack Kelly m'Vay of Law. Moore of mad. Paulding Perkins Rainey Ratner Richards m'Ross Robertson Smith of C. Smith of mad. Stone and Young.

Neither of the places in nomination having received a majority of votes the two houses then proceeded to vote the thirteenth time for a site on which to locate University. The votes stood thus.—For Lagrange 2.—Athens 5.—Davis 37.—Tuscaloosa 40.

Those who voted for Lagrange are Messrs. Craig and m'Rae of Frank. Those who voted for Athens are Mr. Hubbard. Rep's. Daniel Durrett m'Vay of Law. and Vaughan.

Those who voted for Davis in Autauga County are Messrs. Abercrombie Ashe Barton Casey Evans Irwin Jones m'Caney Shackelford. Rep's. Mr. Speaker Broadnax Bridges Bonnell Clark Cook Davis Dennis Greening Harris Higgins Lawler Lewis Massey m'Rae of mon. Moore of J. Price Russell Sharp Sibley Tarver Terry Walker Walthead Ward Weisinger and Wiggins.

Those who voted for Tuscaloosa are Mr. President Brown Crabbs Earle Jackson Merriwether Miller Moore Powell Skinner. Rep's. Acklen An-





Abercrombie Hubbard Irwin Shackelford Skinner Broadnax Daniel are.  
Rae of mon. m' Rae of Frank. Moore of mon. Sargent & Walthead.

Those who voted for locating the University at Athens are messrs. Bell  
Craig Durrett Edmondson Martin m'Way of Land. Robertson Turner  
and Terry.

Mr. Higgins voted for Davis' in Autauga.

Those who voted for Tuscaloosa are Mr. President Barton Brown  
Casey Crabb Earle Evans Jackson McElwether Miller Moore Powell m'c.  
Way of Law. Paulding Perkins Rather Rather Richardson Ross Sibley  
Smith of Clark Smith of mon. Stone Young and Wiggins.

Those who voted for locating the University at Montevallo are messrs.  
Alse Jones Sullivan. Rep's. messrs. Bunnett Clark Cook Davis Dennis  
Lawler Lewis m' Rae of mon. Moore of J. Price Russell Sharp Vaughan  
Walker Wain Weisinger.

Mr. m'Canby voted for Bellefont. and Mr. Bridges voted for Greens-  
borough.

No place having received a majority of the whole number of votes the  
two Houses proceeded to vote the nineteen in time for a site on which to  
locate the University. The votes stood thus.—For Lagrange 10.—Athens  
5.—Davis' 2.—Tuscaloosa 17.—Montevallo 18.—Bellefont 1.

Those who voted for locating the University at Lagrange are messrs.  
Abercrombie Hubbard Irwin Jones Skinner. Rep's. Broadnax Daniel  
Lewis m' Rae of Frank. and Vaughan.

Those who voted for locating the University at Athens are messrs. Bell  
Durrett Edmondson m'Way of Land. m' Rae of mon.

Those who voted for locating the University at Davis' in Autauga are  
messrs. Bridges and Higgins.

Those who voted for locating the University at the Town of Tuscaloosa  
are Mr. President Alse Barton Brown Casey Crabb Earle Evans Jack-  
son McElwether Miller Moore Powell. Rep's. Mr. Speaker Acklen Amick-  
son Bradford Brown Colgate Collier Conner Campbell Duke Ellis For-  
rest Greening Harris Jack Kelly Martin m'Way of Law. Moore of J.  
Moore of mon. Paulding Perkins Rather Rather Richardson Ross Robert-  
son Sibley Smith of Clark Smith of mon. Stone Tarver Young & Wiggins.

Those who voted for locating the University at Montevallo are messrs.  
Shackelford Sullivan. Rep's. Bunnett Clark Cook Craig Davis Dennis  
Lawler Massey Price Russell Sargent Sharp Terry Walker Walthead  
and Ward.

Mr. m'Canby voted for Bellefont.

The Town of Tuscaloosa having received a majority of the whole num-  
ber of votes, was declared by Mr. Speaker to be duly selected as the site  
for the location of the University of the State of Alabama.

The selection having been made, the Senate withdrew.

Mr. Ross made the following report: The select committee to which  
was referred a resolution of the House of Representatives, instructing  
them to investigate the official conduct of the hon. Abner S. Lipscomb &c  
and investing said committee with power to send for persons and papers,  
beg leave respectfully to submit the following Report: they have with  
much labor collected together all the testimony deemed material to the  
investigation, as proposed by the respective parties. It has been the  
great object of the committee to go into a thorough and full investigation  
of the truth of the several charges as presented by Mr. Salle; and, in do-  
ing this, they have awarded every possible indulgence to the accuser and  
the accused. The great mass of the testimony necessary to be embodied

in writing, for the full information of every person interested in the issue must plead their excuse for not presenting to the House, at an earlier period, the result of their labors. Before entering into the details of the investigation, it is necessary to remark, that on the several questions arising during the examination, great unanimity of opinion and harmony of feeling have existed among the members of the committee; and whenever any diversity of opinion has existed on any particular charge, it will be noticed in this report. The first specification by Mr. Sells is, in substance, that Judge Lipscomb had criminally made contradictory decisions in the cases of the Tombeckie bank vs. Wm. D. Gaines et al. and the Tombeckie bank vs. R. G. Haden. This charge, if proved, in the opinion of the committee, was not within the legitimate range of their investigation, as the acts complained of, were anterior to the date of the Hon. J. Lipscomb's present commission as circuit Judge. The objection, however, was waived by the representatives of said Lipscomb, who expressed on their part, a desire that the examination should take the widest scope, and that no part of his official conduct should be exempt, for any cause whatever, from the most rigid inspection. Under these circumstances, the committee proceeded to examine the charge, and so far from having discovered any inconsistency in Judge Lipscomb, arising out of intemperance or partiality for the bank, they believe that the two decisions referred to were in perfect unison, and in strict accordance with the great principles of law and equity. The point decided in the case of the Tombeckie bank vs. W. D. Gaines et al. was, that George S. Gaines, the cashier of the Tombeckie bank, was an incompetent witness to prove that the note on which the action was brought, had never been discounted in the bank; and that inasmuch as said bank had kept books, in which entries of that kind were made, the books alone could be introduced in evidence. This decision was, in the opinion of the court, doubtless founded on that universal principle of law, that the best testimony the nature of the case is susceptible of, must be introduced into court. And the court might have very honestly believed, that it would be a dangerous rule for the recollection of any bank officer to be relied on, in preference to the records of the bank itself. But the charge against Judge Lipscomb wholly fails on another ground: it has been established to the satisfaction of the committee by the accuser himself, that at the time of the alleged decision by Judge Lipscomb, the interest of the note, the foundation of the action above mentioned, was not in the Tombeckie bank, but in one Joseph M. Carty. In the case of the Tombeckie bank vs. R. G. Haden alluded to in the above charge, if the case had been regularly docketed, and in fact in existence on the records of Mobile court, it would have been strange, if Judge Lipscomb had refused to order a subpoena duces tecum to the bank, to bring forward their books for the purpose of proving the very fact, which in the case of the Tombeckie bank vs. W. D. Gaines et al. he decided could be proven only by the said books. But the testimony proves that said note was not, at the time of the motion, in being on the record of said court; hence it would be highly oppressive and vexatious in Judge Lipscomb to have issued an order involving such great inconvenience to said bank, unless the necessity of the testimony required, was apparent in some cause, then in existence. In relation to the subsequent circumstance, that Judge Lipscomb, in a peremptory manner, ordered Mr. Sells to take his seat, the committee would remark, that the testimony proves that this took place upon Mr. Sells's continuing his remarks, after the court had refused to order a subpoena duces tecum to issue. This power



of suspending all argument after the point is decided, is one that belongs to all courts, and is always exerted when necessary to suppress the other interminable solicitations and statements of attorneys, &c. The severity and harshness with which it may be exercised it is believed, is limited only by the pertinacity of the individual who may transgress so salutary a rule.

The second specification of Mr. Salle is, in effect, that at the Supreme court in 1824, Mr. Salle, remonstrated with the Judges against an adjournment, and that after he retired, Judge Lipscomb moved to strike his name from the roll of attorneys, alleging that he, (Salle) was too bold, and did not say him, or something to that effect. This charge is wholly unsupported by the testimony; on the contrary, the testimony of his honor Judge Bay, represents the conduct of Mr. Salle as highly improper and offensive, and that he recollects no proposition being made by Judge Lipscomb, to strike him (said Salle) from the roll of attorneys.

The third specification charges Judge Lipscomb, in the case of the Tombeckbe bank vs. Thomas H. Herndon, security for Thomas H. Douglas, in Washington county, with deciding corruptly, that "nothing but payment of the statute of limitations would exonerate a bank security; that the bank looked solely to the security, and not to the principal;" that after the last aforesaid term, and before the next succeeding term of Washington court, the said Abner S. Lipscomb was served with a notice at the instance of the said bank, as security for Benjamin S. Smoot, for a very considerable amount, returnable to the last aforesaid term of said court; that the said Lipscomb, manifest of the solemn duties of his office, and contrary to the sacred obligations by which he stood bound to discharge them; without honoring the person of the mighty, or respecting the persons of the poor, but to judge in righteousness, being influenced by motives of self-interest, or intimidated by fear of the besom of destruction, which the said bank held over him, his connections and friends, or moved and instigated by corruption, did, in a letter addressed to James G. Lyon touching and concerning the cause of the said Lipscomb, and which is now in the possession of the undersigned (that is to say said Salle) lay down the law relating to securities, correctly and diametrically opposite to the law, as laid down by him, in the case aforesaid of the said Herndon." A transcript of the record of the circuit court of Washington county, in this case, being produced by Mr. Salle, in proof of the allegations above recited, and it appearing by such transcript that Judge Minor, and not Judge Lipscomb, presided at the trial of said cause; Mr. Salle withdrew the charge with the following declaration, to wit: "Mr. Salle being now satisfied that the charge against Judge Lipscomb, resting upon the decision in the case of the Tombeckbe bank vs. Thomas H. Herndon, cannot be supported by proof, and that Judge Minor rendered the decision in that case and not Judge Lipscomb, withdraws that charge, which is assented to by the counsel of Judge Lipscomb."

The fourth specification is, that Judge Lipscomb, callous to the disinterested and delicate feelings of even a private individual, has basely descended from the character of a Judge, and turned counsel and solicitor in important causes, which he himself had to adjudicate. The committee report in this, that there has been an entire failure of proof, and that the testimony justifies the conclusion, that Judge Lipscomb has done nothing unbecomable by the strict rules of justice, and the practice of courts from time immemorial.

The fifth specification charges, that at the last term of the Monroe circuit court, the said Lipscomb then presiding, he being unwinded of the

duties of a Judge, and prompted by feelings of partiality. In a cause where: in the Tombecbe bank was plaintiff and Samuel H. De Wolf was defendant, did refuse to grant the motion of said De Wolf to have the plaintiff called, or to enter a nonsuit, or to permit the said De Wolf to go to trial: but on the contrary, did order the said De Wolf, in a rude and insulting manner, to sit down: and continued the cause when there was no opposition on the part of the plaintiff to either of the motions of said De Wolf, and no counsel appearing for the plaintiffs." In relation to the continuance complained of in the above cause, the committee entertain no doubt of the propriety of Judge Lipscomb's decision: continuances are always within the discretion of the court. From the testimony, it appears that Mr. Dellett was employed by Mr. De Wolf as counsel: that in fact, he was the attorney of record, and that he acknowledged to the court, that in his character as attorney of the cause, he had agreed with Mr. Hitchcock, the opposite attorney, to continue the cause: and at all events, he had given Mr. Hitchcock, who was absent from court, reasons to believe it would be so continued. Under these circumstances, the court would have done an act of injustice to one of the parties, also to Mr. Hitchcock, not to have continued the cause. To have refused a continuance, would have been to set aside an agreement made between opposite attorneys, which they had the right to make, and upon the faith of which one of them had not attended the court, nor even made the least preparation for trial. The agreement not being in writing, does not vary the case. The rule requiring that agreements of this kind be in writing, was established to prevent conflicting statements, and where there is no conflict, as to what has been agreed on, it has been the constant practice to give full force to verbal agreements.

The sixth specification is, "that at the last circuit court of Washington county, the said Abner S. Lipscomb, then and there presiding as Judge the said Lipscomb, regardless of the sacred and inviolable rights of personal liberty, and holding in utter contempt the sacred charter of our liberties, and the laws of the land, prompted by a spirit of tyranny, oppression, and absolute despotism, did on two several occasions, after the adjournment of the court, and whilst said court stood adjourned, commit to prison the body of Samuel De Wolf, without any warrant of commitment, or on legal or just cause, the said De Wolf then and there demeaning himself in a peaceable and unoffending manner to all the citizens of the state of Alabama." A further specification, not embraced by Mr. Salle, in the charges presented to the House of Representatives, was, at the request of Mr. Salle, and by the consent of Judge Lipscomb, added: viz: the committing De Wolf, in open court, at the last term of Washington circuit court, and also at the last term of Monroe court." As regards the several imprisonments of Mr. De Wolf, the committee are unanimously of opinion, that Judge Lipscomb possessed the necessary power, and that the conduct of De Wolf, as detailed by the testimony, was such as to call in every instance, imperiously, for its exercise. While there is no difference of opinion as to the correctness of Judge Lipscomb's motives, in the several exercises of his authority alluded to in the charges, and the necessity imposed by Mr. De Wolf on Judge Lipscomb, to maintain the dignity of the court, some of the committee believe, that under the statute, he had not the power to imprison for more than six hours. It is a mere question of law, involving a construction of two different parts of a statute, upon which a difference

of opinion might well be expected to exist. It is believed the question is unimportant on its bearings on Judge Lipscomb. Every individual of the committee is willing in the most unqualified terms, to acquit him of any tyrannical or arbitrary manifestation of feelings towards Mr. De Wolf. On the contrary it appears, from the testimony, that he endeavored to have him taken from the presence of the court, by his friends in order that an unpleasant exercise of power might be avoided. Inasmuch however as the committee were disposed to let no part of the official conduct of Judge Lipscomb, as complained of by Mr. Sallé, escape the most rigid investigation, they have endeavored to procure the best information within their reach to direct them to a correct conclusion. With this view they called on Judge Gayle for his construction of the statute, and have been favored with his opinion, which is herewith submitted. The sections above referred to are to be found in an act passed in 1807—after reciting the preamble, the second section is in the following words: "Be it enacted, that no court shall, for any contempt against such court, pass judgment, or decree, order or inflict, or cause to be inflicted, any fine exceeding the sum of twenty dollars, or any imprisonment exceeding twenty-four hours, without the trial by jury to assess the quantity of such fine, and determine the duration of such imprisonment." Sec. 3d. "And be it further enacted, that no Judge or Justice of the peace, for any contempt offered to him, shall have power to order and inflict, or cause to be inflicted, any fine exceeding the sum of six dollars, nor any imprisonment exceeding six hours; and if any court, Judge, or Justice, shall offend herein, the person or persons so offending, shall be deemed guilty of a misdemeanor in office, and shall moreover be subject to the action of the party injured, for damages to be assessed by a jury. And in all cases of trial by Jury for any contempt, the truth of the matter may be given in evidence by the defendant on the general issue."

The question then presents itself, does the character of a "court" properly attach itself to a Judge during the entire term of the court even tho' the person of the Judge may be in chambers? a majority of the committee believe it does, and are therefore of opinion that a certain kind of offence to a Judge at chambers, is a contempt of court. The most important decisions are made and matured at chambers, and much of the business of the court must necessarily be performed there. Hence, in legal contemplation, the term of a court is one day, and the court is as much in being during the retirement of the Judge to chambers, as in the most absolute exercise of his prerogative from the bench. Its sessions are entire and indivisible, though sometimes with a suspension of the exercise of some of the most palpable powers. The same public utility exists for protecting the deliberation of a Judge in chambers, as for defending him from intrusion and molestation on the bench. The committee would not carry the legal presumption, that the court is always in session during term time, so far as to rebut a fact, which might notoriously exist, viz: that the Judge was engaged in business of a private nature, entirely unconnected with the discharge of his judicial functions. Though it is a legal presumption, that during term time, the Judge is always engaged in official business; yet it is only a presumption and may be disproved by countervailing testimony.

In the case insisted on, if the Judge were engaged in a bacchanalian feast, and should at that time be insulted by a stranger at his chambers; the committee would say, it was an offence to the Judge, and not a contempt to court; inasmuch as the consequences, could have no immediate effect on the business of the court. If however, an individ-



ual detains a sheriff by force, during a recess of the labors of the court, it would be punished as a contempt of the court, because it was a forcible suspension of one of the functions of the courts. Contempts of court may be divided into two classes: the one a direct attack on the judicial decisions of a court, whereby the court is brought into contempt, as if an individual in term time at a public table, or in the streets in the presence of a large concourse of people, accosts a Judge and tells him "you have, during the day, in a certain case, made a corrupt decision, you were bribed to do so, and I can prove it." This remark, though out of the court house, would carry with it a greater contempt to the character of the court, than the grimaces and gestures of any buffoon during its actual sitting. It is, in its character more essentially injurious to that dignity which judicial tribunals should always preserve—hence the committee are forced to conclude that contempts may be referred to a court through the person of Judge, either in its actual sitting, or at chambers; and that insults may in their nature, be personal, though offered to an individual vested with judicial powers. They believe the distinction exists in the essential nature of the insult, and not on the adventitious circumstance whether it be given in or out of the court house. In other and a second class of contempts to courts are, such acts as retard or interrupt their regular proceedings; and this kind of contempt may be so offered either in or out of the court house. If a juror retires from his box, and for a minute leaves the court room an individual who would dare to detain him by force, tho' out of the courthouse, would offer the same contempt as one who, in the presence of the Judge, should exert his strength to prevent an attorney from rising from his seat to address the court. The effect of both of these acts would be to retard the proceedings of the court, and consequently they are viewed, not in the light of insults to the person of the Judge, but of contempts to the court. If these acts properly belong to the appellation here given, then surely an interruption of the Judge, tho' in chambers, would in its character and so frequently repeated as to preclude the possibility of attending to official business, would amount to a contempt of tribunal whose operations in justice retarded by such an interruption. Independent then, of the presumption, that the Judge is always engaged in official duties during term time, there is no hesitation with the majority of the committee in deciding, that the offence was one of interruption to the exercise of the duty of a court; and consequently a contempt offered to the court for which the offender by the second section of the statute, might have been imprisoned as much as twenty-four hours. Having thus in a cursory manner, adverted to all the charges, and expressed an opinion on their several merits in the order in which they have occurred, the committee feel that they should not be doing justice to Judge Lincoln, were they not explicitly to declare, that so far from the imputation of exception, of tyranny, and of partiality, or in fact of any departure from the strict line of duty having been thrown on him, they have not only been unsupported by testimony, but have been negatived in a manner highly creditable to his official and private character.

JACK F. B. G., Clerk.

Mr. Greening moved that the report lie on the table, which was carried. The House then adjourned until Monday morning 13 o'clock.

Monday, December 31st, 1827.

The House met pursuant to adjournment.

Mr. M'Vay of Loud. presented the petition of sundry inhabitants of Lauderdale county, praying the relief therein mentioned, which was read and referred to the committee on propositions and grievances, to which was referred a bill on the same subject.

Mr. Bridges presented the petition of John P. Davis, administrator of Abel Davis and Daniel Davis deceased, praying the passage of a law to authorise the sale of real estate, which was read and referred to a select committee, consisting of Messrs. Bridges Vining and Clark.

Mr. Lawler presented the petition of George Morrow, relinquishing his right to open a turnpike road, from Elyton to Montevallo, which was read and laid on the table.

Mr. Stone from the military committee to whom was referred the petition of sundry persons of Monroe county, praying to be incorporated into a volunteer rifle company, reported a bill to be entitled, an act to incorporate the Monroe rifle company, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Acklen from the select committee to whom was referred a bill to be entitled, an act to amend in part and repeal in part, an act to estab-

lish the town of Whitesburgh, and incorporate its trustees: Reported the same with the following amendment, by striking out the whole of the fifth section, and substituting another in lieu thereof, in which amendment the House concurred: it was then read a second time as amended, and ordered to be engrossed for a third reading on tomorrow.

Mr. Collier from the select committee to whom was referred a bill to be entitled, an act for providing for the more speedy collection of debts due to the Bank of the State of Alabama, and for other purposes, reported the same without amendment, the bill was then read a second time. Mr. Bell moved that it lie on the table until the first day of June next, which was lost. Mr. Weisinger moved to amend the bill, by striking out of the 4th section, the word twenty, with a view to insert one hundred; a division of the question being called for, the vote was first taken on striking out, which was carried. The vote was then taken on filling the blank with one hundred, which was lost, yeas 26—nays 30.

The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Broadnax Craig Durrett Davis Edmondson Harris Lawler Lewis M'Vay of Land. M'Vay of Law. Massey M'Rae of mon. M'Rae of Frank. Moore of mad. Price Rather Robertson Sharp Smith of mad. Terry Vaughan Walthal Ward Weisinger and Wiggins 27.

Those who voted in the negative are.

Mr. Speaker Acklen Anderson Bradford Brown Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Daniel Dennis Duke Ellis Greening Higgins Jack Kelly Martin Moore of Jack. Pauling Perkins Ramey Richardson Ross Russell Sargent Sibley Smith of Clark Stone Tarver Vining and Walker 36.

Mr. Weisinger moved to fill the blank with seventy five thousand, which was lost. Mr. Weisinger then moved to fill the blank with sixty thousand, which was carried. Mr. Jack moved to amend the 6th section with the following. "and for every mile which he may travel for the purpose of executing any process, — cents." which was lost. Mr. Bridges moved to amend the 4th section and 1st line with the words, "with security," which was adopted. Mr. Perkins moved to amend the 1st section and 1st line after the word "indebted," with the words "or otherwise liable," which was carried. Mr. Kelly moved to amend the bill in the 9th section, after the word "his," with the word "delinquent." Mr. Cook moved to amend the bill by adding thereto an additional section, No. 11, which was carried. Mr. Ross moved to amend the bill by adding thereto an additional section, which was carried. Mr. Greening moved to amend the 5th section, by adding at the end thereof the words "except as hereinafter provided," which was carried. Mr. Walthal moved to amend the 7th section after the word construed, with the following. "as to authorize the collection by the marshal in the counties in which the sheriff will give a bond in — dollars to the president and directors, for the faithful discharge of their duty, with good and sufficient security, to be approved of by said president and directors." and then moved to amend the remainder of the section, which was lost. Mr. Russell moved to amend the 1st section after the word "act," by striking the words "and after the above" and adding the words "and after the above" which was carried. Mr. Collier moved to amend the 1st section with the following. "and he is further required to said bank in books containing to some original and joint and abstracts against its debtors, payable to the use of the state, and the cashier president or agent or attorney of said bank, may make an abstract, and the book shall be held as evidence."

individuals for wrongfully suing out said process," which was carried. Mr. Ross moved to strike out 89 in the 4th line of the 1st section, which was lost. Mr. Ellis moved to amend the 2d section in the 1st line, by inserting the words "or against," which was carried. Mr. Collier moved to amend the bill by adding thereto an additional section, which was carried. Mr. Collier moved to amend the 6th section by striking out "with," with a view to insert fifty, which was carried. The bill was then ordered to be engrossed for a third reading on tomorrow.

Mr. Martin made the following report. The committee on propositions and grievances to whom was referred the report of the commissioners appointed by a resolution of the last session of the Legislature, to view and report to this session of the Legislature, the damages which the lot holders, who bought at the first sale of lots in the town of Cahawba have sustained in the diminished value of their property by the removal of the seat of Government from said town, and whether, and on what terms the holders of said lots, purchased the lots by which they relinquished and applied to complete the payment of lots retained by them on the original purchase previous to the meeting of the Convention, and whether the lots purchased at the first sale and relinquished, were applied in payment of the lots retained by the original purchasers, have according to order, had the same under consideration, and beg leave to report that the lot holders who bought at the first sale of lots, in the town of Cahawba, and all those who as sub-purchasers owned lots in said town, previous to the meeting of the Convention, have sustained loss by the removal of the seat of Government from said town, and your committee are clear in the opinion that the sufferers above described are entitled to remuneration for their losses from the state, but they have not been able to ascertain who the sufferers are, or the amount of their losses: *Ordered* that the report lie on the table until Wednesday next.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles to wit, an act to aid in the endowment of a humane charity hospital in the city of Mobile, an act to emancipate certain persons therein named, an act to amend and explanatory of an act to authorize William A. Regisdale and his associates to turnpike a road therein specified, passed 14th day of Jan, 1826, all of which originated in the House. And then the house adjourned until half past 2 o'clock.

EVENING SESSION, half past 2 o'clock.

The house met pursuant to adjournment.

The report of the select committee to whom was referred, charges against the Hon. Abner S. Lipscomb, one of the Judges of the supreme court, by George F. Sails, was then taken from the table, and after some time spent in the consideration of the same, Mr. Ellis moved that it lie on the table until tomorrow, which was carried.

Mr. Harris obtained leave to introduce a bill to be entitled, an act to regulate the payment of petit jurors in the county of Washington, which was read a first time, and the rule requiring bills to lie on the table three several days being dispensed, it was then read a second time forthwith. Mr. Staley moved to amend the bill by adding the following additional section, which was carried, it was then ordered to be engrossed for a third reading on tomorrow.

Mr. Walker from the select committee to whom was referred a bill from the Senate entitled, an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, passed December 22d, 1826, so far as said act relates



Dallas Madison and Montgomery: Reported the same with the following amendments, strike out the words madison and montgomery, wherever they occur in said bill, and insert the word dmarengo after the word dallas, wherever it occurs, and by adding thereto two additional sections, with amendments were introduced by the H. use.

Mr. M'Lea of Penn obtained leave to introduce a bill to be entitled, an act to incorporate Bakers encanipment of Knights templars No. 1, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Lewis from the select committee to whom was referred a preamble and resolution, recommending General Andrew Jackson for the Presidency, presented the following report and resolution as a substitute.

The bare expression of preference, by a State Legislature, for a particular individual to fill the office of President of the United States, is in itself of no great consequence, farther than the evidence it furnishes of the extent of his popularity and of the probability of his election. The subject however assumes a higher and a graver import when a sovereign state bottoms its preference on principles deeply involving the fundamental laws of the Union, and denoting the limits of power which the constitution has established for the government of the highest public functionaries. It is believed no doubt can exist as to the choice which Alabama will make in the ensuing Presidential election. Her demonstration of regard and devotion to the cause of General Jackson have been too frequent and unequivocal to be mistaken. In addition to the resolutions passed at two different sessions of the General Assembly, the people of the state have once at the Polls given practical proof of their desire to see him elevated to the highest office known to the government—While therefore the committee think it unnecessary merely as an evidence of regard and veneration for General Jackson to say any thing on the subject, they believe it due to public opinion, to the state at large, and to the honest convictions of those opposed to them in opinion, frankly and dispassionately to declare the reasons of their preference. In doing this they must necessarily pass in review the prominent acts of the present administration; and while they assert in unqualified terms the right of the legislature, or any individual, freely to canvass any official act of a public servant, yet they believe a respect is due to the President of the United States, which should forbid the assertion of any fact of dubious authenticity, or the utterance of any sentiment calculated to give just cause to offence. A great objection to the election of Mr. Adams is to be found in a departure from those rules of construction which have given definite limits to federal authority. It is believed by the committee that these departures have not been unfrequent and that some of them have been of a most alarming character. The great question of internal improvements which has excited the fear and apprehensions of the purest patriots, ever since it has been agitated, appears under the present administration to have settled down into a permanent acknowledgment of their inefficiency and constitutionality. Independent of a want of economy in expenditures of this character and the great sectional feelings which are always aroused by any exercise of this power, your committee are of opinion that its practical operations nothing but the total destruction of every vestige of state sovereignty, and a condition of servile dependence and submission to federal power. It cannot be contended that the power belongs both to the General and State Governments. Such a supposition would involve the absurdity of a grant of the same distinct and independent sovereignties, and would bring

about a continual clashing of authority in its exercise. Admit that properly belongs to the federal government, it is in itself substantial, not incidental, and of course carries with it all the powers necessary to its most enlarged operation. Hence no portion of the territory of a sovereign state is protected from an occupation by the General Government, for purposes of this kind, and all state improvements, of whatever character, subsists merely at the will and mercy of the President and the Congress of the United States. Under this authority roads and canals may be made to traverse a state in every possible direction and observatories and universities can be erected to a number limited only by the discretion of the General Government. If it should be thought that these great national improvements require the enactment of penal laws for their protection, a code might be introduced more odious than the game laws of England, expounded by the veriest vassals of executive authority and enforced by the bayonet of a federal solliery. In that event the state government, the great depository for power for all internal improvements, the palladium of civil rights, and the counterpoise of usurpation in the General Government, would want a home and locality for the exercise of its most ordinary powers. It is no answer to these objections to say the power complained of is entrusted to the sound discretion of Congress and that no such consequences need be apprehended. The framers of the constitution were too well versed in the history of man not to have defined clearly the limitations of power instead of entrusting such limitations to the uncontrolled discretion of any particular department of government. It is one of the great objections to the present constitution that its latitudinarian principles involve the concentration of its powers are limited only by its discretion. The above apprehensions, the committee believe, are justified by the bold and reckless claim of power set up by the President in his first message, and by the execrable report of Secretary Rush one of Mr. Adams' cabinet during the same session. These documents, coming as they did from an administration just then in power, may be fairly viewed as an exposition of the course by which it intended to be governed another and an equally generous power, with the one just adverted to, is the encouragement of prohibitory duties of one branch of industry at the expense of another. Important as this power really is, and as dangerous as it may be in its exercise, like the one just alluded to it is nowhere expressly given by the constitution, but is entirely the creature of implication. As far however as the public can be informed of the policy of the President and his cabinet, this appears to be a favorite measure. Mr. Rush in the report above alluded to, has carried the doctrine so far as to claim for the government the right to organise the entire labor of the country. This assumption is predicated on the principle that the people are a mere machine in the hands of the government, to be worked in such manner as will produce in the opinion of their rulers the greatest portion of national wealth. It involves the right to give any direction to individual enterprise and capital that the government may think proper to take from the agriculturists by increased exactions, the produce of their honest labor, and to drive them for support to the loathsome workshops of the pampered manufacturer. The committee can anticipate this state of popular degradation on the one hand, and of increased governmental power on the other, with any other emotion than such as the most formidable species of oppression would suggest.

The history of the Mission to Panama discloses at the committee believe, many objections to the re-election of Mr. Adams, independent of the danger of an alliance with the nation who at that time could not be said to have pos-

possessed any established character, and whose subsequent developments have not been the most satisfactory character. Setting aside also the utter fruitlessness of the project, the strong predisposition of Mr. Adams to overleap the barriers of executive authority constitutes a serious ground of opposition to his reelection. He asserts in broad terms his right to originate any foreign mission with or without the consent of the Senate, hitherto considered by all his constitutional advisers. A more unqualified power in relation to this subject could not be claimed under the strongest government ever imposed on any people.

Another prominent act of Mr. Adams requires particular notice, viz. his threat to employ military force against one of the sovereign members of the confederacy. So great a want of sympathy with an entire misapprehension of the character of the American people, and so extraordinary a claim of power is believed to be unparalleled in the history of any preceding administration. More forbearance might have been expected from a prince of unlimited powers to one of the most rebellious provinces of his dominion. Before any negotiation of a friendly character was attempted, or even a measure of compromise proposed, the State of Georgia was threatened with the military force of the Union, for the purpose of forcing her into an unconstitutional abandonment of substantial rights of sovereignty secured to her by the solemn stipulations of treaty—This State cannot but share some portion of the responsibility thrown upon Georgia in this matter, inasmuch as an enactment of the last Legislature, and a resolution of the same only recognized the principles for which Georgia was then contending. As Alabamians, therefore, the committee feel bound to protest against this violent measure of the President of the United States, they look upon this manifestation of feeling as entirely inconsistent with the peace of the Union, the sovereignty of the States, and the glory of the American government. It is at once setting aside the majesty of law and reason, and substituting the law of force as the common ruler in all conflicts for sovereignty between the general government and an independent State. It is an assertion of the principle that the President is the sole judge of all questions of this important and delicate nature, and that he has the right to enforce his decisions at the point of the sword. Come do this power and the committee can see in this government nothing but the features of the most odious and unmitigated despotism. In this crisis the committee would observe that they believe it important that the election of John Quincy Adams should be defeated, lest the principles here complained of may, aided as they are by the already alarming assistance of executive patronage. His cabinet have not hesitated at different times and places, in self defence, to attempt to quiet the apprehensions of the people by a labored defence of his measures. To counteract so powerful an influence, a systematic effort is required of the people and a concentration of their entire strength on some distinguished individual. The tried integrity and patriotism of General Andrew Jackson, his great public services and the high estimation in which he is held by the people of the United States point him out as the individual best suited to the present crisis—we look to him with the fond hope of seeing the primitive simplicity and purity of the government restored, the venerated principles of the men of the revolution revived, and the empty grandeur and pomp of the present administration exchanged for the plain dealing honesty of former times. In such regard the House concurred, yeas 64—nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Speaker, Gehlen, Anderson, Bell, Bradford, Brown, Broad, Briggs, Bonnel, Clark, Conner, Cook, Craig, Davis, Dennis, Durrell, Duke, Edmonson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lewis, Mallin, McVay of Louisiana, McVay of Texas, Massie, McHae of Iowa, McRae of Kentucky, Moore of Jack-



*Moore of mad. Paulding Price Rainey Rulmer Ross Robertson Russell Sargent Sharp Sibley Smith of Clark Smith of mad. Stone Tarver Terry Vaughan Vining Walker Ward Weisinger and Wiggins 54.*

*Those who voted in the negative are,*

*Mr. Collier Collier Copwood Daniel Ellis Perkins Richardson and Walthead.*

The same committee also reported the following resolution: *Resolved*, therefore that the Representative branch of the General Assembly of the State of Alabama have the greatest confidence in the integrity patriotism and ability of General Andrew Jackson, and they believe that it would be to the interest of the United States for him to be elected President for the next presidential term. Mr. Collier moved to amend the resolution by striking out all after the word *resolved*, with a view to insert the following: that in the opinion of the members of this House, a large majority of the people of this state, are decidedly friendly to the election of Gen. Andrew Jackson to the presidency, and that we as their Representatives, will support his election to that office by all constitutional means. A division of the question being called for, the vote was first taken on striking out, which was lost, and the question being put shall this resolution be adopted, it was determined in the affirmative, yeas 58—nays 5.

*The yeas and nays being desired, those who voted in the affirmative are,*

*Mr. Speaker Jackson Anderson Bell Bradford Brown Broadhead Bridges Bunnell Clark Collier Copner Cobb Copwood Craig Daniel Deas Thomas Darrett Duke Edwards Forrest Greening Horcus Huggins Jack Kelly Lawler Lewis Martin McFarley Lee, M. Van, of Law, Mass. McRae of Tenn. McRae of Frank. Moore of Jack. Moore of mad. Paulding Price Rainey Rulmer Ross Robertson Russell Sargent Sharp Sibley Smith of Clark Smith of mad. Stone Tarver Terry Vaughan Vining Walker Ward Weisinger and Wiggins 58.*

*Those who voted in the negative are,*

*Mr. Collier Ellis Perkins Richardson and Walthead.*

Ordered, that Mr. Sibley have leave of absence for the remainder of the session, and then the House adjourned until tomorrow morning half past 9 o'clock.

TUESDAY, January 1, 1828.

The House met pursuant to adjournment.

Mr. Moore of Jack. from the committee on the state capitol to which was referred a joint resolution to provide a house for the accommodation of the next General Assembly. Reported said resolution without amendment; it was then read a second time and ordered to be engrossed for a third reading tomorrow.

Mr. Martin from the select committee to which was referred a bill from the Senate entitled "an act concerning the owners and keepers of mills and other water works." Reported the same with the following amendments: in the third line of the preamble after the word "ponds," insert "Limestone county;" in the 4th line of the 1st section after the word "with-in" insert the words "the county of Limestone in;" and also by adding a proviso to the first section of the bill in the following words; *Provided* that nothing herein contained, shall be so construed as to prevent any owner of water works within said county to draw off the water from their pond for the space of — days for the purpose of repairing the dam and other works; and by adding hereto an additional section: in which amendments the House concurred. It was then ordered to be read a third time

on tomorrow.

Mr. Ross from the committee on accounts to which was referred the petition of the county Judge and commissioners of roads and revenue of Wilcox county, praying remuneration for certain expenses incurred by said county in sustenance &c. of certain state prisoners, Reported that their claim in part is an equitable one; and if properly set forth, is chargeable upon the state treasury; but in its present shape, they are aware of no law by which they could allow the same; and ask leave to be discharged from the further consideration thereof: which was granted. The report and accompanying documents was then referred to a select committee consisting of Messrs. Bridges Clark and Moore of mad.

Mr. Ross from the committee on accounts to which was referred the account of George W. Myers sheriff of Washington county, claiming compensation for executing Richard Berry, a state prisoner, Reported, that said claim is not chargeable upon the state treasury; and ask leave to be discharged from the further consideration thereof: which was granted.

Mr. Moore of Jack, obtained leave to introduce a joint resolution to authorise the commissioners for superintending the erection of the state Capitol, to purchase property therein named; which was read a first time. Mr. Jack moved that the further consideration of the resolution be indefinitely postponed; which was carried. Yeas 38—nays 22. The yeas and nays being desired, those who voted in the affirmative are,

Messrs Bell Bradford Brown Broadnax Bridges Bonnell Clark Conner Cook Craig Davis Durrett Duke Edmondson Higgins Jack Lawler m'Vay of Land m'Vay of Law. m'Rae of mon. Moore of mad. Paudling, Price Rather Robertson Russell Sargent Sharp Smith of mad. Tarver, Terry Vaughan Vining Walker Walhal Ward Weisinger Wiggins—38

Those who voted in the negative are

Mr. Speaker, Acklen Anderson Colgin Collier Coopwood Daniel Ellis Forrest Greening, Harris, Kelly, Martin, m'Rae of Frank. Moore of Jack, Perkins Rainey Richardson Ross Sibley Smith of Clarke Stone 22

A message from the senate by Mr. Lyon.

MR. SPEAKER:—The Senate insist on their amendment to the bill entitled, an act altering the punishment of Forgery and counterfeiting in certain cases, by inserting in the 7th line of the 1st Section, after the word "any," the words "last will and testament, gold or silver coin, made current by law," and by inserting after the word "counterfeit" in the 22d line of the 1st Section, the words "gold or silver coin." They have passed bills which originated in their House, entitled, an act to annex additional territory to Bibb county, so as to make the same constitutional; an act to prevent the unlawful assembly of slaves, and for other purposes; an act concerning the registration of deeds and Patents; an act to provide for the translation and preservation of the Spanish records of this State; an act relating to the duties of the Judges of the county courts; and, an act for the relief of Richard Corre, John Duncan jr. and Henry Center; in all of which they desire your concurrence.

They have also passed bills which originated in the House of Representatives, entitled: an act to divorce Winny Gaines from her husband Francis T. Gaines, an act to provide for the support of paupers in the counties of Madison, Autauga, Tuscaloosa and Clarke; an act to authorise James Mahan, William Lovelady, John Gardener, and Ransom Davis, to enter a certain quantity of University land, for the purposes therein mentioned. An act to authorise the judge of the county courts of Monroe county, and commissioners of Roads and Revenue to levy a special tax for the purpose therein mentioned, and have amended the same in the manner here-

with shewn; and also, an act incorporating the town of Courtland in the county of Lawrence; and have amended the same as herein with shewn; in which they respectfully desire your concurrence, and then he withdrew.

*Ordered* that the House recede from their disagreement to the amendments made by the Senate to the bill entitled "an act altering the punishment of forgery and counterfeiting in certain cases by inserting after the word 'any,' the words 'last will or testament, gold or silver coin made current by law,' 1st section 7th line, and by inserting after the word 'counterfeit,' 1st section 22d line the words 'gold or silver coin.' *Ordered* that the House concur in the said amendments to said bill. Mr. Smith of Clarke, moved to amend the bill to be entitled "an act to authorise the Judge of the county court of Monroe county and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned," by striking out the words "thirty seven and a half," with a view to insert "twelve and a half," which was lost. Yeas 7—nays 40. The yeas and nays being desired, those who voted in the affirmative are, Mr. Coopwood, Edmondson, M'Rae of Frank, Price Robertson Russell, Smith of C. 7

Those who voted in the negative are,

Mr. Speaker, Jeklen Anderson Bradford Bell Brown Broadnax Bridges Bonnell Clark Collier Conner Cook Craig Daniel Davis Durrett, Duke, Ellis, Forrest, Greening, Harris, Higgins Jack Kelly Lawler Martin M'Vay of Land, M'Vay of Law, M'Rae of Mont. Moore of mad, Paulding Perkins Rainey Rather Ross Sargent Sharp, Smith of mad Stone, Tarver Perry Vaughan Vining Walker Walthall Ward Weisinger, Wiggins—49.

*Ordered* that the House concur in the amendments made by the Senate to said bill by striking out the word "fifty" and inserting in lieu thereof "thirty seven and a half."

Mr. Collier obtained leave to introduce a bill to be entitled "an act to amend an act entitled an act respecting bail in civil cases," passed 9th December, 1823; which was read a first time and ordered to be read a second time on tomorrow.

Mr. Smith of Clark obtained leave to introduce a joint resolution, declaring the expiration of the office of the present Trustees of the University of the State of Alabama, which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill entitled "an act to repeal an act therein mentioned," was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bill entitled "an act to increase the capital of the bank of the state of Alabama," was read a third time. Mr. Kelly moved to fill the first blank in the bill with the words "two hundred thousand," which was lost. Yeas 19—nays 40. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Jeklen, Anderson Colgin, Conner Daniel Higgins, Kelly, Lawler, M'Rae of Frank, Moore of Jack, Paulding Perkins Rainey Richardson Sargent Smith of C. Walker and Walthall—19.

Those who voted in the negative are,

Messrs. Bell Bradford Brown Broadnax Bridges Bonnell Clark Cook Coopwood Craig Davis Dennis Durrett Duke Ellis Edmondson Forrest Greening, Harris, Jack, Martin, M'Vay of Land, M'Vay of Law, M'Rae of Mont. Price Rather Ross Robertson Russell Sharp Sibley, Smith of mad. Stone Tarver Perry Vaughan, Vining, Ward, Weisinger and Wiggins—40.

Mr. Greening then moved to fill the blank with "one hundred thousand dollars," which was carried. Yeas 51—nays 10. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Jeklen Anderson, Bell Bradford Brown Broadnax Bonnell, Clark, Colgin Collier Conner Coopwood Craig Daniel, Davis, Dennis, Duke, Ellis, Edmondson, Forrest Greening Higgins Jack Kelly Lawler M'Vay of Law, M'Rae of Frank, Moore of mad, Paulding Perkins Price Rainey Rather Richardson Robertson Sargent



gent Smith, Smith of Clark, Smith of mad. Tarver Terry Vaughan Vining Walker, Ward, that Ward, Wessinger and Wiggins—31.

Those who voted in the negative are,

Messrs. Bridges, Cook Harris Martin M'Vay of Loud. M'Rae of mon. Ross Russell Sibley and Stone—13.

The bill was then put on its passage, and the question being put, shall this bill pass, it was determined in the affirmative. Yeas 49—nays 12.

The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Sibley, Jackson Anderson Bill Bradford Brown Broadnax Bonnell Clark Col. Craig Cooper Cooper Craig Daniel Davis Dennis Darratt Duke Ellis Edmondson Feltner Greening Higgins Kelly Lawler M'Vay of Law. Massey, M'Rae of Frank. Moore of Jack. Young of Rich. Penderg. Perkins Price. Rainey, Rather, Richardson, Robertson, Sargent, Smith of Clark, Smith of mad. Vaughan Vining Walker, Walthall, Ward, Wessinger and Wiggins—49.

Those who voted in the negative are,

Messrs. Bridges Cook Harris Jack Lewis Martin M'Vay of Loud. M'Rae of mon. Ross Russell Stone Terry—12.

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered* also, that the same be sent to the Senate for their concurrence.

Mr. Greening moved to take from the table the resolution reported by the select committee to whom was referred the charges against the honorable Abner S. Lipscomb, by George F. Salle, Esq. which was carried. The said resolution then being under consideration, Mr. Clark moved to amend the title of the resolution after the word resolved, with a view to insert the following: "as the sense of this House that Judge Lipscomb is not guilty of any of the charges exhibited against him, except the imprisonment of Samuel H. De Wolf upon two occasions during the recess of court, as to said commitment: be it further resolved, as the sense of this House, that the conduct of De Wolf was a contempt of the Judge, and of the court; and being so, the Judge had no authority to imprison the offender for a longer time than six hours; and that the commitment of said De Wolf without a warrant of commitment expressing plainly and distinctly the offence for which he was committed was irregular, illegal, and dangerous to liberty."

And be it further resolved as the sense of this House, that a Judge out of court has no authority to punish delictively any contempt of court, actual or constructive; but on the contrary, every such contempt is punishable only in open court, after conviction of the offending party either in the view of the court in session, or on interrogatories propounded to the offender on the verdict of a jury.

And be it further resolved, that inasmuch as the irregularities mentioned in the foregoing resolution, did not proceed from a disposition either to extend the power of the Judge, or oppress the party imprisoned, there is no cause for the further extension of the constitutional powers of the House, either by impeachment, removal by address, or vote of censure. A division of the question being called for, Mr. Lewis moved that the resolution lie on the table until 3 o'clock this evening; which was carried. And then the House adjourned until 3 o'clock this evening.

ENDING SESSION, 3 o'clock.

The House met pursuant to adjournment.

The House resumed the consideration of Mr. Clark's motion to strike out the resolution reported by the select committee to which was referred charges against the honorable Abner S. Lipscomb by George F. Salle: which was carried. Yeas 38—nays 23. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Bill Bradford Brown Broadnax Bridges Clark Cooperwood Craig Daniel Davis Dennis Darratt Duke Ellis Edmondson Greening Higgins Kelly Lawler M'Vay of Law. Massey M'Rae of mon. M'Rae of Frank. Moore of Jack. Price Robertson

Sharp Smith of Clarke, Smith of mad. Tarver Terry Vaughan Walker, Ward, Weisinger and Wiggins—38.

Those who voted in the negative are,

Messrs. Speaker, Acklen Anderson Bonnell Colgin Collier Conner Cook Forrest Harris Jack Lewis Martin M'Vay of Loud. Moore of mad. Perkins Rainey Rather, Richardson Ross Sibley Stone Vining—23.

Mr. Collier then moved to amend the amendment offered by Mr. Clark with the following after the word "as;" "the members of this House can see nothing in the official conduct of Abner S. Lipscomb, Judge of the first judicial circuit, disclosed by the testimony taken on the charges exhibited against him by George F. Salle, Esq. deserving of censure, they therefore wholly acquit the said Judge from all censure. Mr. Coopwood moved that the proposed amendment of Mr. Collier lie on the table—which was carried. Mr. Greening then moved that the amendment proposed by Mr. Clark lie on the table which was carried. Mr. Lewis then moved to fill the blank created by striking out the resolution reported by the committee, with the following: *Resolved* by the House of Representatives, that though a majority of the House are of opinion, that a Judge cannot imprison for a contempt offered to him out of court, for a longer term than six hours, under a proper construction of the statute of the state, yet they believe this a matter of opinion and construction and that Judge Lipscomb decided according to the best of his judgment, and that according to the testimony, the conduct of Dr. Ward was such as to justify the several imprisonments, and that therefore no censure ought to attach to Judge Lipscomb.

*Resolved*, that in relation to all the other charges, they believe his conduct to have been highly proper and correct: which was carried. Yeas 35—nays 6. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier, Conner, Cook, Daniel, Davis, Dennis, Darrett, Ellis, Edmundson, Forrest, Greening, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, M'Vay of Loud. M'Vay of mad. M'Vay of non. M'Vay of Frank. Moore of Jack. Moore of mad. Perkins Terry, Rainey Rather Richardson Ross Robertson, Russell, Sargent, Sharp, Sibley, Sibley of Clarke, Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthead Ward—34.

Those who voted in the negative are,

Messrs. Coopwood Craig Dake Massey Hisinger and Wiggins—6.

Mr. Clarke moved to amend the resolution by striking out the word "highly," which was lost: and the question being put, shall this resolution be adopted? it was determined in the affirmative. Mr. Martin offered the following: *Resolved* also that the fullest confidence in the integrity and correctness of the honorable A. S. Lipscomb heretofore reposed by the members of this House, is not in the slightest degree impaired by the investigation of said charges; but on the contrary, they are satisfied that confidence was well founded, and that it is still due to him. Mr. Clark moved that the resolution lie on the table: which was carried. Yeas 34—nays 27. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen Bradford Bridges Broadnax Clark Coopwood Craig Daniel, Davis, Dennis, Darrett Dake Ellis Edmundson, Forrest, Kelly, M'Vay of Loud. M'Vay of non. M'Vay of Frank. Moore of Jack. Moore of mad. Robertson, Russell, Sargent, Sharp, Smith of Clark, Smith of mad. Tarver Terry Walker Ward Weisinger and Wiggins—34.

Those who voted in the negative are,

Mr. Speaker, Anderson Bell Brown Bonnell, Colgin, Collier, Conner, Cook, Greening, Harris Higgins Jack Lawler Lewis Martin M'Vay of Loud. Perkins Rainey Rather Richardson Ross Sibley Stone Vining and Walthead.

And then the House adjourned until half past 9 o'clock tomorrow morning.

WEDNESDAY, January 24, 1828.

The House met pursuant to adjournment.

Mr. Bridges from the select committee to whom was referred the petition of John Davis administrator of the estates of Abel Davis and Daniel Davis deceased, reported a bill to be entitled, an act for the benefit of the estate of Daniel Davis deceased, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Jack obtained leave to introduce a bill to be entitled, an act to repeal an act therein named, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Moore of Jack, obtained leave, to introduce a joint resolution to authorise the erection of the state capitol in main street, which was read a first time. Mr. Brown moved that the resolution lie on the table till the 1st day of June next, which was lost: it was then ordered to be read a second time on tomorrow.

Mr. Forrest presented the account of James Rather, which was read and referred to the committee on accounts.

Mr. Walker obtained leave to introduce a bill to be entitled; an act to provide compensation for a person to transcribe and arrange the records of the Clerks office of the county court for the county of Dallas, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening from the Judiciary committee to whom was referred the petition of sundry citizens of St. Clair county praying relief for Samuel Butler of said county, reported a bill to be entitled, an act for the relief of Samuel Butler, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening from the judiciary committee to whom was referred a resolution of the House instructing them to inquire into the expediency of requiring the Judges of the county courts to renew their bonds once in three years reported a bill to be entitled, an act to require the Judges of the county courts to renew their bonds, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Ellis from the committee on enrolled bills: Reported, they had examined and found correctly enrolled, bills of the following titles, to wit: an act relative to the duties of grand juries, an act to incorporate the Somersville Philanthropic Society, which originated in the Senate, also an act concerning the estates of deceased persons, which originated in the House.

Mr. Greening from the judiciary committee to which was referred a bill to be entitled, an act to declare void a certain rule of the supreme court: Reported the same without amendment, it was then ordered to be engrossed for a third reading tomorrow.

Mr. Greening from the judiciary committee to which was referred the petition of sundry inhabitants of Dale county, praying that a law may be enacted providing for the organization of Dale county, ask leave to be discharged from the further consideration of the same, which was granted.

Mr. Greening from the judiciary committee to whom was referred a bill to be entitled, an act to authorize Wyatt Hopper administrator of the estate of John H. Hopper, to sell and convey real estate: Reported the same without amendment, it was then read a second time and ordered to be read a third time on tomorrow.



ities, reported the bill without amendment: it was read a second time and ordered to be read a third time on tomorrow.

Mr. Greening from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of amending and consolidating the laws in relation to attachments: *Report*: a bill to be entitled, an act to amend the law in relation to original attachments, which was read a first time and ordered to be read a second time on tomorrow.

Mr. Greening from the judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of amending the limitation laws, so as to extend the time in which suits might be commenced on open accounts: reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr. Greening from the judiciary committee to whom was referred a bill from the Senate, to be entitled, an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes: reported the same without amendment. Mr. Collier moved to amend the bill by adding thereto an additional section, which was carried. Mr. Moore of Jack. moved to amend the same by adding thereto an additional section, which was carried; it was then ordered to be read a third time on tomorrow.

A message from the Senate by Mr. Lyon.

MR. SPEAKER, The Senate have passed bills which originated in their House entitled, an act for the relief of Wyatt Chatham, an act to declare Canoe Creek in St. Clair county a public highway; an act regulating the duties of Attorneys at law and for other purposes; an act to amend an act entitled, an act to incorporate the school commissioners of the 4th township, and 5th Range, west from Huntsville, and for other purposes, an act to provide the clerks of the several counties in this State with copies of the acts of the present and each subsequent Congress of the United States; an act for the appointment of an Engineer to make a survey and estimate of the expense of opening the Muscle Shoals, in the Tennessee river.

Joint resolution in relation to University lands; and a memorial to the Congress of the United States, praying a donation of the relinquished and unsold lands, lying in the Huntsville land district for the improvement of the navigation of the Tennessee river, in Alabama; in all of which they desire your concurrence; they have also passed bills which originated in the House Representatives, entitled, an act to amend an act entitled an act to incorporate the town of Mooreville, and for other purposes; passed 16th November, 1818.

A joint resolution in relation to an exchange of sixteenth sections, an act to authorise the raising of three thousand dollars for the purpose of building a bridge across Shoal Creek, an act to authorise Josiah D. Lester, administrator of the estate of Charles Vivian deceased, to settle his accounts in the Circuit Court of Washington.

Joint resolution in relation to the Cherokee boundary, an act for the relief of William Jones of Walker county, and have amended the same in the manner herewith shewn; and also, an act to apportion the Representatives among the several counties in this State, and divide the State into Senatorial districts according to the late census, and have amended the same by striking out the word "two," where the bill allows Butler county two Representatives, and by inserting "one," and by amending the bill so as to allow Wilcox county two Representatives instead of one, and by making the Sheriff of Fayette county the return officer of the district in which he resides, instead of the Sheriff of the same, and by adding an additional section to the bill, in all of which amendments they desire your concurrence; and then he read

Mr. Greening from the judiciary committee to whom was referred a bill to be entitled, an act to provide for reports of the decisions of the Supreme court: Reported the same with the following amendments; in the eleventh line of the first section, strike out the words "twelve months," and insert "two years;" in the last line of the same section, strike out "five," and insert "six;" in the 5th line of the 2d section after the word county, insert the words "as the said court may direct," in the 10th and 11th lines of the 2d section strike out the words "twelve months," and insert "two years" and in the last line of the same section strike out "five" and insert "six;" they have also amended the same by an additional section; in which amendments the House concurred; it was then ordered to be read a third time on tomorrow.

Mr. Greening from the judiciary committee to whom was referred a bill to be entitled, an act to establish the principles of decision in certain cases in law and equity: reported the same with the following amendment; strike out all after the third line in the third section, which was carried; it was then read a second time. Mr. Kelly moved to amend the bill by adding thereto an additional section, which was carried. Mr. Colgin moved that the further consideration of the bill be indefinitely postponed, which was lost. Mr. Kelly moved to strike out so much of the bill as relates to the statutes of limitations, which was carried. Mr. Kelly moved to strike out the 9th section, which was carried. Mr. Collier then moved to strike out the 21 section of the bill, which was lost, yeas 12 nays 48.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Clark Colgin Collier Davis Ellis Moore of Jack. Perkins Rainey Rather Ross Smith of mad. Stone 12.

Those who voted in the negative are,

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Emmaell Conner Cook Coopwood Craig Daniel Dennis Durrett Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Martin McVay of Land. McVay of Law. Massey McIlwain of mon. McIlwain of Frank. Moore of mad. Paulding Price Richardson Robertson Russell Sargent Sharp Smith of Clark Tarver Terry Vaughan Vining Walker Walthall Ward Weisinger Wiggins. 48.

Mr. Collier then moved to strike out the 4th section, which was lost, yeas 13—nays 47.

The yeas and nays being desired, those who voted in the affirmative are.

Mr. Clark Colgin Collier Davis Ellis Harris Martin Perkins Rainey Rather Ross Smith of mad. Stone 13.

Those who voted in the negative are.

Mr. Speaker Acklen Anderson Bradford Brown Broadnax Bridges Bonnell Conner Cook Coopwood Craig Daniel Dennis Durrett Duke Edmondson Forrest Greening Higgins Jack Kelly Lawler McVay of Land. McVay of Law. Massey McIlwain of mon. McIlwain of Frank. Moore of Jack. Moore of mad. Paulding Price Richardson Robertson Russell Sargent Sharp Smith of Clark Tarver Terry Vaughan Vining Walker Walthall Ward Weisinger Wiggins. 47.

Mr. Collier moved to amend the bill by striking out the 6th section, which was lost, yeas 12—nays 46.

The yeas and nays being desired, those who voted in the affirmative are.

Mr. Clark Colgin Collier Daniel Davis Ellis Perkins Rainey Rather Ross Smith of mad. Stone, 12.

Those who voted in the negative are.

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Cook Coopwood Craig Dennis Durrett Duke Edmondson Forrest Greening

Harris Higgins Jack Kelly Lawler Martin McVay of Land, Massey McRae of moun. McRae of Frank, Moore of Jack, Moore of moun. Paulling Price Richardson Robertson Russell Sargent Sharp Smith of Clark Tarver Terry Vaughan Vining Walker Walshall Ward Weisinger and Wiggins. 46

Mr. Collier moved to strike out the 7th section, which was lost, the bill was then ordered to be engrossed for a third reading on tomorrow.

Mr. Ross from the committee on accounts to whom was referred the account of John Woods, claiming compensation for furnishing a guard for the safe keeping of Thomas Asher charged with Horse stealing, reported that said claim is payable out of the County and not the State Treasury, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr. Ross from the committee on accounts to whom was referred the account of Martin Wells, claiming compensation for attendance on Washington Court as a State witness, reported that said claim is not payable out of the State Treasury, and ask leave to be discharged from the further consideration of the same, which was granted.

Mr. Ross from the committee on accounts to whom was referred the account of John Gillis jailor of Concord county, reported that there is no evidence what the prisoners were confined for, nor that the owners of the slaves charged for were unable to pay prison charges, and ask leave to be discharged from the further consideration thereof, which was granted.

Ordered that the House concur in the amendments made by the Senate to the bill entitled, an act for the relief of William Jones of Wilkes county, by adding to the caption of the bill the words "and the descendants of Joseph Elliott of Jackson county," and also by adding thereto an additional section, No. 3. Ordered that the House concur in the amendments made by the Senate to the bill to be entitled, an act to apportion the Representatives among the several counties in this State, and divide the State into Senatorial districts, according to the late census as follows: to wit, first section 2d line first word "shall" out to wit, "one" and the word "two" inserted, in the 24th line after the word "shall" strike out "two" and insert "one" in the 25th line.

The yeas and nays being desired, those who voted in the affirmative are: Mr. Aelden Anderson Bell Bradford Benson Bridges Clark Copeland Daniel Duke Ellis Forrest Harris Kelly Lawler McVay of Land, Massey McRae of moun. McRae of Frank, Moore of Jack, Peter Rather Sargent Smith of Clark Smith of moun. Terry Walker Walshall Weisinger and Wiggins. 46. Those who voted in the negative are:

Mr. Speaker Barnett Collier Conner Cook Davis Dennis Durrett Edmondson Greening Higgins Jack Lewis Martin McVay of Land, Moore of moun. Perkins Rainey Richardson Ross Robertson Stone Tarver Vaughan Vining Ward 26.

The House concurs in the amendment to the 3d section and 3d line, which is as follows: strike out the word "Pickens," and insert "Payette." The House disagrees to the amendment made to the bill by adding thereto an additional section, No. 4. Yeas 57—nays 23.

The yeas and nays being desired, those who voted in the affirmative are: Mr. Speaker Aelden Anderson Bradford Benson Bridges Burnett Clark Conner Copeland Craig Daniel Davis Dennis Durrett Duke Forrest Kelly Lawler McVay of Land, McVay of Law, Massey McRae of moun. McRae of Frank, Moore of Jack, Moore of moun. Rather Richardson Sargent Sharp Smith of moun. Vaughan Vining Walker Ward Weisinger and Wiggins. 37.



Those who voted in the negative are,

Mr. Bell, Speaker, Colgin, Collier, Cook, Ellis, Edmondson, Greening, Harris, Higgins, Jack, L. Jeff, Martin, Perkins, Rainey, Ross, Robertson, Smith of Clark, Stone, Turner, Terry, Walchal, 22.

Or, could it be said, that those who were absent for the remainder of the session.

A message from the Governor by James I. Thornton, which is as follows, to wit:

JANUARY 2d, 1828.

Mr. Speaker—The Governor did on the 31st December last, approve and sign the following bills, to wit: an act to fix and establish the dividing line between the counties of Tuscaloosa and Jefferson, by visible and marked boundaries; an act to emancipate a certain slave therein named; an act to repeal in part an act passed 27th December 1814, an act to authorise the county court of Butler county to make further sales of lots in Greenville; an act to authorise the administrator of David Mitchell to make and receive assignments of debt to certain estate; and an act to amend a certain act therein mentioned, all of which originated in the House of Representatives and then he withdrew. And then the house adjourned until half past 2 o'clock this evening.

Expressed Session, Half past 2 o'clock.

The House next pursuant to adjournment.

A message from the Senate by Mr. Collier.

Mr. Speaker—I am instructed to inform you that the Senate have read three several times and passed a bill which originated with your honorable body over which you passed, entitled an act for the relief of Cassell R. Chilson tax collector of Madison county, and have amended the same in the manner herewith shewing; and then he withdrew. Ordered that the House join up to the amendments to said bill, by adding thereto an additional section.

Engrossed bill from the Senate entitled, an act to form a seventh judicial circuit was then taken from the table and read a second time. Mr. Jack moved to amend the bill by adding thereto an additional section, which was carried and the question being put, shall it be read a third time tomorrow? it was determined in the affirmative. Yeas 40—nays 16.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, John Anderson, Bill Bradford, Broadnax, Bridges, Collier, Conner, Conrad, Daniel, Davis, Dennis, Forrest, Higgins, Jack, Kelly, Lawler, Martin, McVay of Leno, Massie, Sefton of Frank, Moore of Jack, Moore of Paul, Paulding, Perkins, Price, Rucker, Richardson, Ross, Ross of Sargent, Sharp, Smith of Paul, Stone, Terry, Vaughan, Vining, Walchal, Ward, 40.

Those who voted in the negative are,

Mr. Brown, Daniel Clark, Colgin, Croft, Darrell, Duke, Greening, Harris, McVay of Leno, Rainey, Robertson, Turner, Walker, Weisinger and Wiggin, 16.

Engrossed joint resolution, proposing amendments to the Constitution of the State of Alabama, was then taken from the table, and the question being put on concurring with the amendments made by the Senate, by striking out the resolution adopted by the House, and substituting two other members to the resolution in lieu thereof, it was determined in the affirmative, yeas 50—nays 8.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, John Anderson, Bill Bradford, Brown, Broadnax, Bridges,

Bennett Clark Colgin Collier Conner Cook Coopwood Daniel Davis Dennis Forrest Greening Harris Higgins Jack Kelly Lawler Lewis McVay of Land McVay of Law. Massey Moore of Frank. Moore of Jack Paulding Perkins Rainey Richardson Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Terry Terry Vaughan Vining Walthal Ward Weisinger and Wiggins. 59.

Those who voted in the negative are

Mr. Craig Durrett Martin McRae of mon. Moore of mad. Price Rather Ross. 8.

A bill to be entitled, an act for the relief of William M. Marr. Mr. Weisinger moved that the further consideration of the bill be indefinitely postponed, which was carried yeas 52—nays 27.

The yeas and nays being desired. Those who voted in the affirmative are

Mr. Speaker Anderson Bell Bradford Brown Clark Colgin Conner Coopwood Duke Ellis Forrest Greening Lawler McVay of Land. McVay of Law. Massey Moore of mad. Paulding Price Rainey Rather Ross Robertson Sargent Sharp Smith of mad. Terry Vaughan Vining Weisinger and Wiggins. 57.

Those who voted in the negative are.

Mr. Acklen Broadnax Bridges Bonnell Collier Cook Craig Daniel Davis Dennis Durrett Duke Ellis Harris Jack Kelly Lewis Martin McRae of Frank. Moore of Jack. Perkins Richardson Russell Smith of C. Stone Farver Walthal Ward. 57.

A bill to be entitled, an act to authorize William Hynes to sell and convey a certain tract of land therein named, and for other purposes, was read a third time and passed. Or read that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Moore of Jack. obtained leave to introduce a bill to be entitled, an act to amend the several acts to suppress the evil practice of duelling, which was read a first time, and the question being put, shall this bill be read a second time, it was determined in the negative.

Mr. Weisinger moved to take from the table the report of the Bank committee, on the subject of building a Banking House, which was carried, yeas 50—nays 8.

The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Craig Daniel Davis Dennis Durrett Duke Ellis Harris Jack Kelly Lewis McVay of Land. McVay of Law. Massey McRae of Frank. Moore of Jack. Moore of mad. Paulding Perkins Price Rainey Rather Richardson Ross Robertson Russell Sargent Sharp Smith of C. Farver Vaughan Vining Ward Weisinger and Wiggins. 50.

Those who voted in the negative are.

Mr. Forrest Greening Higgins Lawler Smith of mad. Stone Terry Walthal. 8.

Mr. Weisinger then moved that the House concur in said report, which was carried, yeas 42—nays 15.

The yeas and nays being desired. Those who voted in the affirmative are.

Mr. Speaker Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Conner Cook Craig Davis Dennis Durrett Duke Forrest

Greening Higgins Kelly Lewis Martin M'Vay of Land, M'Vay of Law, Massey M'Lee of Frank, Moore of Land, Price Rather Robertson Sargent Sharp Smith of C. Smith of mail, Stone Tarver Terry Vaughan Walcott Ward Weisinger and Wiggins. 42.

Those who voted in the negative were,

Mr. Clark Collier Cooper Daniel Ellis Harris Jack Lawler Moore of Jack, Perkins Rainey Richardson Ross Russell Vining. And then the House adjourned until tomorrow morning 9 o'clock.

Thursday, January 3, 1828.

The House met pursuant to adjournment.

Mr. Kelly from the Judiciary committee to which was referred a bill from the Senate entitled "an act relative to the satisfaction of executions Reported the same with an amendment by striking out all after the enacting clause, and substituting three other sections in lieu thereof; which amendments were concurred in by the House; the bill was then read a second time and ordered to be read a third time tomorrow.

Mr. Kelly from the Judiciary committee to which was referred a bill to be entitled "an act to provide for taking depositions in certain cases" Reported the bill with the following amendment by striking out the preamble and also the whole of the bill after the enacting clause, and substituting two other sections in lieu thereof in which amendment the House concurred. Yeas 42—nays 12. The yeas and nays being desired those who voted in the affirmative are,

Mr. Speaker, Arthur Anderson Bell Bondurant Brown Buchanan Bush-ges Bonnell Collier Conner Cook, Ellis, Donald, Durrett, Duke, Ellis, Harris Higgins Jack, Kelly Lawler, Martin, Massey, M'Lee of Frank, Moore of Jack, Paulding Perkins Price Rather, Richardson, Robertson, Russell Sargent Sharp Smith of Clarke, Tarver Terry Vaughan, Walcott Ward Weisinger Wiggins—42.

Those who voted in the negative were,

Mr. Clark Collier Cooper Cook Daniel Edmundson Farren M'Vay of Land, M'Vay of Law, Rainey Ross Smith of mail, Stone Vining, Walcott.

Mr. H. then moved to amend the bill by adding after the words "and the words contained in the first section of the general act of every denomination" which was carried; the bill was then read a second time as amended, and ordered to be engrossed for a third reading tomorrow.

Mr. Ellis from the committee on enrolled bills Reported that they had examined and found correctly enrolled, bills of the following titles to wit: an act in relation to a certain land therein named; an act to amend an act entitled an act to incorporate the town of Mooresville and for other purposes passed the 14th day of November 1816; an act to divorce Winney Gaines from her husband Francis F. Gaines; an act to authorise James Mahan, William Loyelaty, John Gardner, and Ransom Davis to enter a certain quantity of University land for the purposes therein mentioned; joint resolutions in relation to an exchange of sixteenth sections; and an act altering the punishment of forgery and counterfeiting in certain cases.

Mr. Daniel from the Judiciary committee to whom was referred a bill to be entitled "an act to reduce into one law several acts giving fees to Justices of the peace and Constables. Reported the bill with an amendment by striking out all after the enacting clause, and by substituting an amendment in lieu thereof in which amendment the House concurred.

Mr. Martin moved to amend the 2d section with the following, "for



ties to Constables, for failing to return an execution, or for having failed to pay over money and entering judgment, 50 cents," which was carried. Mr. Martin moved to amend the 3d section with the following: "and for making the money thereon by sale of property 50 cents." Mr. Risher then moved that the bill lie on the table till the first day of March next: which was lost. Yea 15—nays 44. Those who voted in the affirmative are,

Messrs. Clark Coopwood, Duke Forrest Greening Higgins, Jack, M<sup>r</sup> Rae of Frank, Risher Richardson Ross Russell Sargent—15.

Those who voted in the negative are,

Messrs. Speaker, Acklen Anderson Bell Bradford Brown Broadnax, Bridges Bonnell Colgin Collier Cramer Cook Craig Daniel Davis Dennis Durrett Ellis Edmundson Harris Kelly M<sup>r</sup> Vay of Laun, M<sup>r</sup> Vay of Law, Massey Moore of mad, Paulding Perkins Price Roney, Robert on, Sharp Smith of Clarke, Smith of mad, Tarver Terry Vaughan Vining, Walker Walthal Ward Weisinger and Wiggins—44.

Mr. Coopwood moved that the bill lie on the table until three o'clock this evening: which was lost. Mr. Coopwood moved further to amend the bill by striking out the words "twenty five cents" for issuing execution: which was lost: it was then ordered to be engrossed for a third reading on tomorrow.

Mr. Vining from the select committee to which was referred a resolution proposing amendments to the constitution of the United States in relation to the election of President and Vice President of the United States Reported the same with the following amendment: strike out all after the word "was" on the second page except the last section, and by substituting an amendment in lieu thereof in which report the House concurred, and the amendment adopted by the House. It was then read a second time and ordered to be engrossed for a third reading on tomorrow.

A message from the Governor by James I. Thornton, which he handed in at the Speaker's chair, and then he withdrew. Said message is as follows:

#### EXECUTIVE DEPARTMENT, January 2, 1924.

To the Honorable the Senate, and House of Representatives.

##### GENTLEMEN:

It is my duty to present to your consideration the instructions which have been given from the Treasury Department of the United States to the land offices in this state. Under these instructions no money is to be received in payment for new releases of public lands, unless bills of the Bank of the United States—Bills of the specie paying banks of this state, or specie itself; and it is recommended to those who intend to purchase public land, to provide themselves with a cash or bills of the bank of the United States, as it is intimated that even the bills of the banks of this state may be refused at the offices without giving previous notice of intention to refuse them.

It may not be easy to perceive the good and public reason which induced these instructions, but it cannot escape observation what effects will be produced on several important interests, which it is the duty of this state, and also of the Government of the United States, to cherish and preserve. The practical consequence will be to drive from the land market, as well the bills of the banks of this state, which are placed in an attitude so doubtful as the bills of the banks of other states, which are expressly prohibited—both the one and the other must be productive of injurious consequences to this state as a body politic, and to its present population as the purchasers of public land. It is highly desirable that good and industrious citizens of other states, men of capital, and men at least able to purchase a residence on which to raise and support numerous families, should be encouraged to settle among us, increase our strength and resources, and render more compact our present sparse population.

The instructions will prove inconvenient and injurious to them as it may be difficult to procure the funds recommended or if they can be procured it will be attended with loss in the exchange many persons from other states will not hear of these regulations until they arrive at the land sales and those who have previously secured the suitable funds will have an undue influence in the sales or be enabled to part with their funds at an exorbitant



their House entitled "an act relative to the executive of this state" in which they desire the concurrence of your honorable body. We have also passed a bill which originated in the House of Representatives, entitled "an act to extend to St. Clair and Shelby counties concurrent civil and criminal jurisdiction with Autauga county in the Creek Nation. And he withdrew.

Mr. Ross from the committee on accounts to which was referred the claim of Joseph Eastland for compensation for prosecuting certain slaves therein named. *He reported that there is no evidence that the services were performed, and ask leave to be discharged from the further consideration thereof which was granted.* The report was then laid on the table.

Mr. Ross from the committee on accounts to which was referred the account of Thomas M. Stavenport claiming compensation for the publication of certain advertisements in the American Missionary, *reported that there is no evidence that the service was performed, and he performed by what authority, and ask leave to be discharged from the further consideration thereof which was granted.*

Mr. Ross from the committee on the state Bank to which was addressed a communication from the Board of Directors recommending an increase in the salaries of the Teller and Deputies Clerk, *reported a bill to be entitled "an act supplementary to the act to amend an act to establish the bank of the state of Alabama," approved December 30th 1833 which was read a first time and ordered to be read a second time on tomorrow.*

Mr. Ross from the select committee to which was referred the petition of sundry merchants of Mobile, praying an alteration in the existing laws regulating the public weighers in that city, *reported a bill to be entitled "an act supplementary to the several acts now in force in relation to public weighers of Cotton in the City of Mobile;" which was read a first time and ordered to be read a second time on tomorrow.*

Engrossed memorial from the Senate to the Congress of the United States, praying a donation of the relinquished and un-sold lands lying in the Huntsville district, for the improvement of the navigation of the Tennessee River, was referred to the same committee to which was referred a resolution of this House on that subject.

Mr. Ferry from the select committee to which was referred a bill from the Senate entitled "an act to organize and establish a circuit court in this county, and to organize the counties of the first, second and sixth judicial circuits," *reported the same with the following amendment: strike out all after the words "to wit" in the third line of the sixth section, and by substituting an amendment recited therein in which report the House concurred. It was then read a second time as amended, and the rule requiring bills to be read on three several days being dispensed, it was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.*

Mr. Stone from the military committee to which was referred a resolution instructing them to inquire into and report to this House, to whom the public arms have been delivered, and the probable salubrity of bonds given therefor, and the expediency of passing a law requiring those who may hereafter obtain arms, to renew their bonds once in each and every year, *reported that sixty five stand of muskets have been delivered to William A. Patham and A. W. B. of Franklin county; that fifty five stand of arms and accoutrements have been delivered to Joseph Willard and others of Franklin county; that sixty eight muskets and sixty two bayonets have been delivered to Archibald Black and H. C. Nicks of Greene County; that fifty six stand of arms has been delivered to John K. Dunn, James Gaston, and Roger Sties*



phers of Madison county; that seventy five stand of arms have been delivered to A. W. McCalland and Thomas White of Dallas county; that forty nine stand of arms have been delivered to William Kirkland and Nathan Smith of Madison county; that seventy two muskets and accoutrements and eighty pistols have been delivered to Thomas H. Crabb, Henry W. Rhodes, and Stephen Heard, of Morgan county; that fifty sabres have been delivered to John T. Hatcher, M. Vaughan, and Thomas H. Crabb, of Morgan county; that sixty stand of arms have been delivered to Linnezer Darby, Thomas N. Rice, and Thomas C. Davis, of Limestone county; as appears by books on file in the secretary's of state office, which are, in the opinion of the committee, sixteen except those given by John H. Dunn, James Givston, and Robert Stephens, of Madison county; and A. W. McCalland and Thomas White of Dallas county; which are, in the opinion of the committee, very doubtful. The committee also reported a bill to be entitled "an act to authorise the Governor to cause books taken for public arms;" which was read a first time and ordered to be read a second time on tomorrow.

Mr. Hardee from the select committee to which was referred a bill to be entitled an act going exemptions from duties of the peace, the same force of exemptions extend to ministers and county courts, reported the bill without amendment; the bill was then laid on the table.

Mr. Craig from the committee on roads, bridges, and ferries, to which was referred the petition of sundry citizens of Marion county, praying the passage of a law appointing commissioners to view out and mark a road therein mentioned, reported that it is inexpedient to legislate on the subject, in which report the House concurred.

Engrossed bill from the Senate entitled "an act relative to the executive of this state" was read a first time and ordered to be read a second time on tomorrow.

Mr. Lawler proposed leave to introduce a bill to be entitled "an act to place a certain road therein named, under the control of the commissioners' court of revenue and roads of Shelby county;" which was read a first time and by rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and the rule being further dispensed with, it was then read a third time and considered as engrossed and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Lewis from the committee on the state Bank, to which was referred a bill from the Senate, moved that no further to amend the charter of the Bank of the state of Alabama; reported the same with an amendment by striking out the entire third section. Ordered that the House disagree to said amendment. Yeas 25—nays 22. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Acklen, Anderson, Bradford, Brown, Broadway, Bridges, Clark, Cook, Copwood, Craig, Daniel, Dennis, Durrett, Duke, Forrest, Greening, Jack, Hawler, McVay of Land, McVay of Law, McRae of Frank, Moore of road, Paulding, Price, Rether, Robertson, Russell, Sargent, Sharp, Terry, Vaughan, Walker, Ward, Weisinger and Wiggins—36.

Those who voted in the negative are,

Mr. Speaker, Bell, Blount, Colgin, Collier, Conner, Davis, Ellis, Harris, Higgins, Kelly, Lewis, Martin, Moore, Jack, Richardson, Ross, Smith of Clark, Smith of road, Stone, Vining, Perkins, Rapley—22.

Mr. Kelly moved to amend the 3d section of the bill, by inserting after the word "dollars" the words "unless in conjunction with other good securities" which was carried. It was then ordered to be read a third time tomorrow.

Mr. Ellis obtained leave to introduce a bill to be entitled "an act explanatory of the 11th and 24th sections of an act to reduce into one the several acts concerning roads, bridges, ferries and highways," approved

ed January 12th 1827, which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill from the Senate was read a third time and passed. Yeas 58—nays 20: The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker, Acklen, Bradford, Broadnax, Bridges, Collier, Conner, Coopwood, Daniel, Davis, Dennis, Forrest, Jack, Kelly, Lawler, Martin, M'Vay of Law, Massey, M'Rae of Frank, Moore of Jack, Moore of mad, Paulding, Perkins, Price, Rather, Richardson, Ross, Russell, Sargent, Sharp, Smith of Cl'ke, Smith of mad, Stone, Terry, Vaughan, Vining, Walthal, Ward—38.

Those who voted in the negative are.

Mr. Anderson, Bell, Brown, Bunnell, Clark, Colgin, Craig, Durrett, Duke, Ellis, Greening, Harris, Higgins, Lewis, M'Vay of Law, Rainey, Robertson, Walker, Weisinger, Wiggins—10.

Ordered, that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Lawler, Resolved that this House, with the concurrence of the Senate, will on Friday the 4th inst. at the hour of 6 o'clock P. M. proceed to elect a President and twelve Directors of the Bank of the state of Alabama.

Mr. Forrest who voted in the majority moved to reconsider the vote given on the indefinite postponement of the bill to be entitled "an act for the relief of William M. Barr; which was in C. Yeas 27—nays 29. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Acklen, Broadnax, Bridges, Collier, Conner, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Ellis, Forrest, Harris, Higgins, Jack, Kelly, Martin, M'Rae of Frank, Moore of Jack, Perkins, Russell, Smith of Cl'k, Stone, Vaughan, Walthal, Ward. Those who voted in the negative are,

Mr. Speaker, Anderson, Bell, Bradford, Brown, Bunnell, Clark, Colgin, Duke, Greening, Lawler, Lewis, M'Vay of Law, M'Vay of Frank, Massey, Moore of mad, Paulding, Price, Rainey, Richardson, Ross, Robertson, Sargent, Sharp, Smith of mad, Terry, Vining, Weisinger and Wiggins—29.

And then the House adjourned until half past 2 o'clock this evening. Evening Session, half past 2 o'clock.

The House met pursuant to adjournment.

Mr. Cook obtained leave to introduce a bill to be entitled "an act to repeal in part a certain act therein named;" which was read a first time and ordered to be read a second time.

Mr. Broadnax obtained leave to introduce a bill to be entitled "an act to repeal an act to provide for the payment of petit Jurors in the county therein named and for other purposes," passed December 25th 1824, as far as the same applies to the county of Autauga, and for other purposes, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed, it was then considered as engrossed and read a third time and passed. Ordered, that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Kelly obtained leave to introduce a bill to be entitled "an act the better to provide for the trial of the right of property and for other purposes," which was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill from the Senate entitled, "an act to repeal so much of

the 3<sup>d</sup> section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes," passed at Cahayba on the 15th day of June 1821, as is herein specified, was read a third time. Mr. Collier moved to fill the blank in the bill with the words "five hundred;" which was lost.—Yeas 33—nays 35. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Broadnax Bonnell Colgin Collier Conner Cook Ellis Greening Harris Higgins Jack Kelly Lewis Martin Moore of Jack Perkins Rainey Richardson Ross Smith of Clarke, and Stone—23.

Those who voted in the negative are,

Messrs. Anderson Bell Bradford Brown Bridges Clark Coopwood Craig Daniel Davis Dennis Durrett Duke Edmondson Forrest Lawler M'Vay of Laud. M'Vay of Law Massey M'Rae of Frank Moore of mad Price Rather Robertson Russell Sargent Sharp Smith of mad, Terry, Vaughan Vining Walker Ward Weisinger and Wiggins—35.

Mr. Kelly moved to fill the blank with four hundred and fifty dollars—which was lost. Yeas 20—nays 32. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Broadnax Bonnell Colgin Collier Conner Cook Ellis Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin Moore of Jack, Perkins Rainey Richardson Ross Sharp, Smith of C. Stone—24.

Those who voted in the negative are,

Mr. Anderson Bell Bradford Brown Bridges Clark Coopwood Craig Daniel Davis Dennis Durrett Duke Edmondson M'Vay of Laud. M'Vay of Law, Massey M'Rae of Frank Moore of mad, Price Rather Robertson Russell, Sargent, Smith of mad, Terry, Vaughan, Vining, Walker, Ward Weisinger and Wiggins.

Mr. Lawler moved to fill the blank with "four hundred and twenty five;" which was carried. Yeas 30—nays 29. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Broadnax Bonnell Colgin Collier Conner Cook Ellis Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin, Massey, Moore of Jack, Perkins, Rainey, Richardson, Ross, Sharp, Smith of Clarke, Stone, Terry, Vaughan and Walker—30.

Those who voted in the negative are,

Messrs. Anderson, Bell Bradford Brown Bridges, Clark, Coopwood, Craig Daniel Davis Dennis Durrett Duke Edmondson M'Vay of Laud. M'Vay of Law, M'Rae of Frank, Moore of mad, Price Rather Robertson Russell Sargent Smith of mad, Vining Walthal Ward Weisinger and Wiggins—25.

And the question being put, shall this bill pass? it was determined in the affirmative. Yeas 31—nays 28. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Acklen Broadnax Bonnell Colgin Collier Conner Cook, Dennis Ellis Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin, Massey Moore of Jack, Perkins Rainey Richardson Ross, Sharp, Smith of Clarke, Stone, Terry, Vaughan and Walker—31.

Those who voted in the negative are,

Messrs. Anderson Bell Bradford Brown Bridge, Clark, Coopwood, Craig Daniel Davis Durrett Duke Edmondson M'Vay of Laud. M'Vay of Law, M'Rae of Frank, Moore of mad, Price Rather Robertson Russell Sargent Smith of mad Vining, Walthal, Ward, Weisinger and Wiggins—28.



*Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

Mr. Moore of Jack, offered the following preamble and resolution: Whereas certain publications have lately made their appearance, which, though under the cowardly signature of a fictitious name, are calculated in some degree, to shake public confidence in the integrity of William Nichols, the architect employed to superintend the erection of a state Capitol; therefore *Resolved* that the committee on the state Capitol be instructed to inquire into the truth of such charges, with power to send for persons and papers, and report to this House the result of their inquiries. Mr. Jack moved that it lie on the table till the 1st day of June next, which was carried.

A bill to be entitled an act to change the names of certain persons therein mentioned, was read a second time. Mr. Acklen moved to amend the bill by adding thereto an additional section: it was then considered as engrossed and read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Engrossed bills from the Senate of the following titles, to wit: an act to amend an act entitled an act to incorporate the town of Elyton, in the county of Jefferson, passed December 20th 1820; and an act to emancipate certain persons therein mentioned; were severally read a third time and passed. *Ordered* that the titles be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

A bill to be entitled "an act to provide for the payment of petit Jurors in the county of Jefferson" was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed and read a third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: an act for the relief of John Wool; an act to repeal in part an act passed March 1803, and re-enacted with amendments February 1807, were severally read a second time and ordered to be engrossed for a third reading tomorrow.

Engrossed bills of the following titles, to wit: an act to authorise Wyatt Harper, administrator of William Bates deceased, to sell and transfer real estate; an act to declare void a certain rule of the Supreme court; an act for the benefit of the estate of Daniel Davis deceased, late of Monroe county; an act granting to the heirs, representatives, and associates of John Byler deceased, the privilege of erecting a gate on the road, known by the name of Byler's turnpike road; an act to incorporate the trustees of Oak Grove Academy, of Perry county; joint resolution to provide a house for the accommodation of the next General Assembly; were severally a third time and passed. *Ordered* that the titles be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

A joint resolution requiring the Bank of Mobile to report their situation to the General Assembly, was taken from the table, and referred to a select committee consisting of Messrs. Martin, Moore of mad. Ross, and Greening.

Engrossed bill from the Senate entitled "an act to repeal an act entitled an act to provide for the payment of petit Jurors in certain counties therein named, approved December 22d 1826, so far as said act relates to the counties of Dale, Marengo, Clarke and Mobile;" was read a second time and the rule requiring bills to be read on three several days be-

ing dispensed with, it was then read a third time forthwith and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill entitled "an act to require the Judges of the county courts to renew their bonds." Mr. Clark moved to amend the bill by way of engrossed rider, which was carried: it was then read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled, an act to incorporate the town of Tuscaloosa, and to repeal an act incorporating said town, passed 11th December 1850, was read a first time, and the rule requiring bills to be read on three several days being dispensed with it was read a second time forthwith, and referred to a select committee, consisting of Messrs. Collier, Perkins, Jack Ellis, and Craig.

Engrossed bill entitled an act to repeal an act passed 23d December 1824, concerning divorce and for other purposes, was read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 27—nays 27. Those who voted in the affirmative are

Messrs. Anderson Broadman, Bonnell Clark Collier Cook Daniel Davis Ellis Edmundson Greening Harris Kelly, Lewis Martin, Moore of Jack, Moore of mad, Perkins Rainey Rather Robertson Russell Sargent Stone Terry and Vining—27.

Those who voted in the negative are

Messrs. Speaker, Arklen Bradford Brown, Bridges, Colgin, Conner, Coopwood Craig Dennis Durrett Forrester Jack, Lawler M'Vay of Land M'Vay of Law, Massey, M'Roy of Frank, Ross, Sharp, Smith of Clarke Smith of mad, Vaughan, Walhall Ward Weisinger and Wiggin—27.

Engrossed bill from the Senate entitled "an act concerning the registration of deeds and patents," was read a first time and ordered to be read a second time on tomorrow.

Engrossed bill from the Senate entitled "an act to provide for the translation and preservation of the Spanish records of this state," was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled "an act revising an act authorizing a lottery for the benefit of the navigation of the Butchatchee river" was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

A bill to be entitled "an act to compel all persons liable to do military duty, to carry their fire-arms to all muster and drills, and for other purposes therein specified. Mr. M'Vay of Land, moved that the further consideration thereof be indefinitely postponed; which was carried.

Joint resolution taking into consideration the demoralizing tendency resulting from the common practice of electioneering. Mr. M'Vay of Land, moved that the further consideration thereof be indefinitely postponed; which was carried. Yeas 35—nays 21. The yeas and nays being desired, those who voted in the affirmative are,

Mr. Speaker, Arklen Anderson Bell Bradford Brown Bridges Bonnell Clark Colgin Collier Conner Cook Coopwood Craig Daniel Davis, Dennis Durrett Duke Kelly Lawler Martin M'Vay of Land, M'Vay of Law, Massey Rainey, Richardson, Robertson, Sharp, Smith of Clarke, Stone, Tarver, Walhall and Ward—35.

Those who voted in the negative are,

Messrs. Broadnax, Ellis, Edmondson, Forrest, Greening, Harris, Jack, M'Rae of Frank, Moore of Jack, Moore of mad, Perkins, Ramey, Ross, Russell, Sargent, Smith of mad, Terry, Vaughan, Young, Waring, and Wiggins—21.

Mr. Moore of mad, obtained leave to introduce a bill to be entitled "an act authorizing a lottery for the purpose of establishing a free school on the Lancasterian plan of tuition in the town of Madison, and the purchasing a clock for the use of said town; which was read a first time and ordered to be read a second time on tomorrow. And when the House adjourned until tomorrow morning 9 o'clock.

Friday, January 11, 1828.

The House met pursuant to adjournment.

Mr. M'Rae of Frank, presented the petition of sundry practicing physicians of this state, praying the aid of the legislature in procuring a bill mentioned; which was read and referred to a select committee consisting of Messrs. M'Rae of Frank, Sargent, Davis and Smith.

Mr. Massey presented the petition of sundry inhabitants of St. Clair county, praying an alteration in the county court system, with a law read. Mr. Forrest moved that it lie on the table till the 1st day of the next session which was carried.

Mr. Daniel from the Judiciary committee to which was referred a bill to be entitled "an act to repeal in part and amend an act entitled an act to regulate the rate of interest," passed December 15, 1827, reported the same without amendment. Mr. M'Vay of La., in connection with the words "eight per centum," which was read. Mr. Warringer moved that it lie on the table till the 1st day of June next, which was carried.

Mr. Kelly from the select committee to which was referred a memorial from the Senate to the Congress of the United States, praying the donation of the relinquished and unsold lands lying in the Hay district, for the improvement of the navigation of the river, reported the same without amendment; it was ordered to lie on the table.

The same committee to which was referred a memorial from the Senate, on the same subject, reported a joint memorial to Congress, on the subject of the public land; which was read a first time and ordered to be read a second time. The same committee reported a joint memorial on the subject of instructions lately given from the treasury department, relative to the lands receivable for public lands; which was read a first time and the rule requiring bills to be read on three several days being observed with it, it was then read a second time forthwith, and ordered to be engrossed for a third reading tomorrow.

A message from the Senate by Mr. Lyon.

MR. SPEAKER:—The Senate have passed bills which originated in their House, entitled an act regulating judicial proceedings and settling the powers of the county courts; an act to repeal in part and amend an act entitled an act to incorporate the Muscle Shoals canal company; and an act to continue in force an act entitled an act to amend the charter of the Planters' and Merchants' Bank of Nashville, in which they desire your concurrence.

They have passed a bill which originated in the House of Representatives, entitled an act to regulate the inspection of Tobacco in this state, and have amended the same in the manner herewith shewn; in which they desire your concurrence. They insist on their amendment to the bill entitled "an act to apportion the representatives among the several counties in this state, and divide the state into Senatorial districts, according



to the late census, by adding an additional section thereto. They have adopted the following resolution: *Resolved* that the House of Representatives inform the Senate will be ready to adjourn sine die, on Tuesday next the 5th instant. And then he withdrew.

Mr. Ross from the committee on accounts to which was referred the accounts of Woods, constable of Lawrence county, claiming compensation for the services of certain precepts therein charged, for guarding prisoners, supporting guards, &c. reported that they are aware of no law by which it can be paid out of the state treasury, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr. Underhill from the committee composed of the representation from the county of Madison, to which it was referred the petition of the citizens of said county of Hazeigreen, praying the passage of a law to authorise them to erect one or two justices of the peace and one constable for said county, also two counter petitions from the inhabitants near and adjoining to said town, remonstrating against the prayer of the Hazeigreen petition. Reported they deem it inexpedient to grant the prayer of the Hazeigreen petition, to which report the House concurred.

The same committee to which it was referred the petition of the county of Etowah and Roanoke, White & county, reported they believe the said county is entitled to compensation from the state treasury, to the amount of \$100,000,000 for the maintenance of prisoners, which have been by the county treasury treasury but having no suitable data by which to ascertain the amount of said sum due, they ask leave to be discharged from the further consideration of the subject, and refer the same to the committee on propositions and grievances; it was accordingly referred to the committee on propositions and grievances.

Mr. Ross from the committee on bills and reports that they had considered and adopted a bill to amend an act relating to the act to be the relief of William Jones, of Walker county, and the descendants of Joseph Smith of Jackson county, and for the relief of Cassville, a poor tax collector of Macon county; joint resolution in relation to the same, and to authorise the raising of three thousand dollars for the purpose of building a bridge across Shoal creek, to connect the county of the county court of Monroe county, and the commissioners of roads and revenue to levy a special tax for the purpose of providing for the support of paupers, in the county of Madison, Fannin, Folsom, and Clarke, all of which originated in this House.

Mr. Ross obtained leave to introduce a bill to be entitled, an act concerning the duties of Clerks of the county courts, and other officers. Which was read a first time, and the rule requiring bills to read on three several days being dispensed with, it was then read a second time forthwith and ordered to be engrossed for a third reading on tomorrow.

Mr. H. of Front obtained leave to introduce a bill to be entitled "an act to amend the charter of the University of the state of Alabama, in the seventh judicial circuit," which was read a first time and laid on the table.

Mr. L. of L. obtained leave to introduce a bill to be entitled "an act to authorise the Judge of the county court and commissioners of roads and revenue of Shelby county, to levy an extra tax," which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time; it was then considered as engrossed and the rule being further dispensed with, it was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the

same be sent to the Senate for their concurrence.

*Ordered* that the House concur in the amendments made by the Senate to the bill entitled "an act to regulate the inspection of tobacco in this state" by striking out of the first section of the bill, all from "whatever;" in the 17th line, to the word "dollars" inclusive in the 37th line; and by an amendment at the end of the 3d section of said bill; and by striking out the second section.

A message from the Senate by Mr. Lyon.

Mr. Speaker:—The Senate have instructed me to return to the House of Representatives, a bill which originated in the Senate and has been amended and communicated by the House to the Senate entitled, "an act to organize and establish a circuit court in Dale county and to arrange the circuit of the first, second and sixth judicial circuits," with a request that a fair copy of the amendment be made out, so that it will be intelligible to the Senate. I am also specially instructed by the Senate to return to your honorable body, bills of the following titles, which originated in the Senate, and which have been amended by the House of Representatives, to wit: and to amend an act entitled an act to incorporate the town of July, in the county of Jefferson, passed December 1, 1821; an act to form a seventh judicial circuit; an act to repeal an act entitled an act to provide for the payment of petit jurors in certain counties therein named, approved December 20th, 1825, so far as said act relates to the counties of De Kalb, Wilkes and Strong County; and an act to repeal so much of the 3d section of an act entitled an act to relieve the expenses of the General Assembly and for other purposes, passed at Cahawba the 10th day of June 1821, as is hereinafter mentioned; and to inform your honorable body that the amendments which have been made by the House of Representatives to the same are not intelligible to the Senate—the errors, imperfections, and inaccuracies which need to be found in the bills, do not give the amendments in question to be clearly and plainly understood. And thus we are directed.

Engrossed bill from the Senate entitled "an act to repeal in part and amend an act entitled an act to incorporate the Mobile Shoals Canal Company," was read a first time. Mr. Coppwood moved that the further consideration of the bill be indefinitely postponed; which was lost. It was then read a second time and ordered to be read a third time on to-morrow.

A message from the Governor by James I. Thornton; which is as follows.

Mr. Speaker:—The Governor did, on the 2d inst, approve and sign the following bills: as a 1<sup>st</sup> to emancipate certain persons therein named; an act to amend and explanatory of an act to authorize William H. Ragsdale and associates to construct a road therein specified, passed 10th day of January, 1826; an act to alter the boundaries of certain counties therein named; and an act to aid in the endowment of a Humane Charity Hospital in the city of Mobile all of which originated in the House of Representatives.

A bill introduced by the Senate entitled "an act defining the powers of the county courts," was read a first time. Mr. Perry moved that it lie on the table till the first day of August next; which was carried.

Ragsdale's bill from the Senate entitled "an act regulating judicial proceedings," was read a first time, and the remaining bills to be read on these several days being dispensed with, it was read a second time forthwith and referred to the Judiciary committee.

Engrossed bill from the Senate entitled "an act to continue in force an act entitled an act to amend the charter of the Printers' and Merchants'













concurrent, civil, and criminal jurisdiction, with Antonga county in the Creek nation: all of which originated in the House.

Mr. Collier from the select committee to which was referred a bill from the Senate entitled, an act to incorporate the town of Tulecausa, and to repeal an act incorporating said town, passed the 13th December 1819: Reported the same with sundry amendments, as heretofore shown: Insert on the first Monday in January next, immediately after the words, "said town," where they occur in the 15th line of the 2d section, strike out the words "forty eight," where they occur in the 17th line of the 2d section, and insert in lieu thereof the word "twelve," strike out the words "five weeks," where they occur in the 25th line of the 3d section, and insert in lieu thereof, the words "ten days," strike out of the 3d and 4th lines of the 4th section, these words, "to compel owners of lots, to plant and keep up shade trees in front of their lots, and by adequate penalties, to protect the same," and insert in lieu thereof, the words "to protect by adequate penalties, the shade and ornamental trees in said town," strike out of the 27th line of the 4th section, the word "fifty," and insert in lieu thereof, the word "twenty," strike out all after the word "birth," with "where it occurs in the 31st line of the 4th section, to the word "the," in the 33d line of the 4th section, strike out in the 4th line of the 4th section, the words "forty eight," and insert in lieu thereof, the word "twelve," strike out of the first line of the 5th section, the words "Ten miles," and insert in lieu thereof, the words "five days," strike out all after the word "particular," where it occurs in the 10th line of the 5th section, to the word "where," where it occurs in the 16th line, in the 17th line of the same section, strike out the words "request," where they occur in the 18th and 19th lines of the 5th section, insert in lieu thereof, the words "concurrent," strike out of the 26th line of the 6th section, the word "fifty," and insert the words "twenty five," strike out the word "sixty," where it occurs in the 30th line of the 6th section, and insert in lieu thereof, the word "sixty," strike out the word "civil," where it occurs in the 34th line of the 6th section, and by an additional provision to come in at the end of the 6th section, and by another provision, and by adding thereto, two additional sections, and by adding thereto, a provision at the end of the 6th section in all of which amendments the House concurred: the bill was then read a third time and passed: *Ordered*, that the title be as follows: *Ordered*, that the Clerk acquaint the branch therewith.

Mr. Bridges from the select committee to whom was referred a bill from the Senate entitled, an act to authorize the repair of revenue and roads, of the county of Wilson, to give State roads in said county, reported the same without amendments: It was then laid on the table: Mr. Jack who voted in the majority, moved to reconsider the vote, given on filling Or blank, with fifteen hundred, to the bill entitled, an act giving additional powers to the commissioners, for superintending the erection of the State capital, and for compensating the superintendent, which was carried: the bill was then laid on the table.

The report of the committee on petitions and grievances, on the subject of the purchasers of lots in the town of Columbia, was then taken from the table. Mr. Walker moved that the House concur in said report, which was carried, yeas 54—nays 12.

The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Speizer Acklen Anderson Brown Broadnax Bridges Clark

Philip Cook Comptrol Daniel Dennis Duke Forrest Greening Harris Higgins, Jr. Kelly Lawyer Lewis Ratney Ratner Ross George Sharp S. P. T. Over Perry Vaughan Walker Watson W. A. Westinghouse, &c.  
Those who voted in the negative are,

Messrs. B. H. Bradburn Collier Conner Craig Davis Dutton Ellis E. Johnson McTear McVay of Land. McVay of Law. Mosey m. R. of Florida. Moore of Clark. Ware of Clark. Price Richardson Robinson Smith of C. Smith of Clark. Vining and Wiggins, 22.

A bill to be entitled, an act to provide for the establishment of the permanent seat of justice in the county of Walker, was read a third time. Mr. Forrest moved to amend the bill by way of engrossed rider, which was carried. Mr. Forrest then moved that the further consideration of the bill be indefinitely postponed, which was lost. The bill was then passed. *Ordered* that the title be as aforesaid; *Ordered* that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act for the relief of Andrew G. Horn, Mr. McVay of Law, moved to amend the bill by way of proviso, which was carried. It was then read a second time and ordered to be engrossed for a third reading on Monday next.

A resolution authorizing the Governor to order the surveyor Major General of this State, to deliver a field piece to the Artillery Company at Columbus, and the other parties &c. Mr. Greening moved to amend the resolution by way of engrossed rider, which was carried. Mr. Vining moved to amend the same by way of engrossed rider, which was carried. The resolution was then passed. *Ordered* that the same be sent to the Senate for their concurrence.

A bill from the Senate entitled, an act relating to the duties of the Judges of the County Courts, was read a first time, no copy being required. It is to be read on three several days being dispensed with. It was then read a second time forth with, and laid on a table.

A bill to be entitled, an act to amend an act entitled an act to amend an act passed on the 12th day of February, 1847, approved January 15, 1847, was on motion of Mr. Walker, laid on the table till 5 o'clock tomorrow.

Mr. Lewis obtained leave to introduce a bill to be entitled, an act to alter the time of holding the County Court and Commissioners Court of Montgomery County, which was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forth with, and ordered to be engrossed for a third reading on Monday next.

A joint resolution, declaring the expiration of the office of the Trustees of the University of the State of Alabama, was read a second time, and considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time. Mr. Smith of Clark moved to amend the resolution by way of engrossed rider, which was carried. Mr. Forrest moved to amend the amendment, which was carried: the amendment was then adopted: the resolution was then passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence, and then the House adjourned till 2 o'clock.

EVENING SESSION, 2 o'clock.

The House met pursuant to adjournment.

A bill to be entitled, an act declaring the effects of notarial protests,





Company, was read a second time and referred to a select committee, consisting of Messrs. Young, Stone and Craig.

A bill to be entitled, an act to amend an act incorporating the town of Athens, was read a second time, it was then considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed: *Ordered* that the bill be as above said: *Ordered* that the same be sent to the Senate for their consideration.

A bill to be entitled, an act to repeal in part an act therein named, was read a second time and referred to a select committee, consisting of Messrs. Craig, Perry and Wiggins.

The yeas and nays being then taken, the Senate entitled an act to declare in what cases pardons and reprieves shall be granted and fines and forfeitures remitted, was read a second time and referred to the judiciary committee.

A bill to be entitled, an act to amend the 5th section of an act regulating the general assembly, passed December 14th 1811, was read a second time and passed to be published by the printer.

The yeas and nays being then taken, the Speaker rising for a more speedy collection of the yeas and nays, took of the table of Alabama, and for other purposes, the yeas and nays of Mr. Collier taken from the table and read a fourth time. Mr. Collier moved to amend the bill by way of engrossed copy, by adding thereto an additional section, which was lost. Mr. Collier moved then to amend the bill by way of amended copy, by inserting after the word "and" the words "and his associates," which was carried; Mr. Collier moved further to amend the bill by way of engrossed copy, by adding thereto an additional section, which was carried; it was then put on its passage, and the yeas and nays being put, shall this bill pass, it was determined in the affirmative yeas 37.

The yeas and nays being desired, those who voted in the affirmative are,

Messrs. James Bridges, Bunell, Clark, Collier, Collier, Connor, Ellis, Gentry, Jack, Kelly, Martin, Moore of Jack, Ponder, Perkins, Rainey, Rafter, Ross, Smith of U. S. and Thomas, 20.

Those who voted in the negative are,

Messrs. Spauld, Johnson, Bell, Bell, Ford, Brown, Barlow, Cook, Conner, Wood, Conner, David, Davis, Durrell, Duke, Edwards, Fair, St. Harris, Rogers, Lister, Lewis, McLean of Leno, McLean of Leno, Messrs. M'Nee of Perry, M'Nee of Leno, Price, Rich, Wilson, Richardson, Russell, Gargant, Sharp, Smith of Leno, Tarr, Ferguson, Young, Walcott, Ward and Webster, 37.

And then the House adjourned until Monday morning 9 o'clock.

Monday, January 7th, 1823.

The House met pursuant to adjournment.

Mr. Ellis from the committee on enrolled bills, Reported that they had examined and found correctly enrolled, bills of the following titles, to wit, an act to amend an act incorporating the town of Huntsville, and joint resolutions, proposing amendments to the Constitution of the State of Alabama: all of which originated in the House of Representatives.

Engrossed joint resolutions in relation to university lands, was laid on the table.

Engrossed bills from the Senate of the following titles to wit, an act regulating the duties of Attorneys at law and for other purposes, an act to declare Canoe Creek in St. Clair county a public highway, an act to authorize John Smith of Jefferson county, to emancipate a slave therein named; an act to amend an act entitled an act to divide the State



those who voted in the negative are.

Those who voted in the affirmative are: Brown Collier, Goodwood, Craig, Daniel, Davis, Dennis, Barrett, Ed-  
mondson, Forrest, Martin, McVay of Land, McVay of Lark, Melton of Frank, Moore of  
the Moore of Oak, Parling, Price, Risher, Richardson, Robertson, Russell, Sargent, Sharp  
and of Oak, Ferry, Vaughan, Ward and Weisinger, 30.

Engrossed bill from the Senate entitled, an act to preserve the health  
of the inhabitants residing on Sinking creek in Lauderdale county. Mr.  
Martin moved to amend the bill by way of proviso, which was carried;  
it was then read a second time as amended, and ordered to be read a third  
time tomorrow.

Engrossed bill from the Senate entitled, an act for the relief of Wyatt  
Lenthall, was referred to a select committee, consisting of McVay of  
Land, Goodwood and Daniel.

Mr. Anderson from the select committee to which was referred the  
petition of the citizens of Morgan county, reported that it is not worth  
further consideration that subject at this time; at which report the House  
adjourned.

Engrossed bill from the Senate entitled, an act concerning the owners  
of papers of mills and other water works, was read a third time and  
passed. Mr. Martin who voted in the majority, moved to reconsider the  
decision on the passage of said bill, which was carried. The bill was  
then put on its passage; it was then passed. Ordered, that the title be as  
follows: ordered that the Clerk acquaint the Senate therewith.

Engrossed bill entitled, an act to establish the principles of decision  
in certain cases in law and equity, was laid on the table till tomorrow.

A message from the Senate by Mr. Lyon.

Mr. SPEAKER—The Senate have passed bills which originated in their  
House entitled, an act to amend an act to prohibit the introduction of  
slaves into this state, for sale or hire, and an act to amend an act entitled  
an act to provide for the printing of the Laws and Journals, and for other  
purposes, passed 24th December 1822; in which they desire your con-  
currence. They have also passed a bill and joint resolution, which or-  
iginated in the House of Representatives entitled, an act to divide the  
territorial limits of the town of Sparta in Cornwell county, and for other  
purposes; and a joint resolution to provide a House for the accommoda-  
tion of the next General Assembly. They disagree to the amendment  
made by your Honorable Body, to the bill entitled, an act to amend an  
act passed an act to incorporate the town of Elyton, in the county of  
Jefferson, passed December 20th 1820; by striking from the 15th line  
of the 1st section of the bill, the words "one dollar," and inserting  
"twenty five cents." They concur in the other amendments made by  
your Honorable Body, to the bill. They concur in the several amend-  
ments made by the House of Representatives, to bills entitled an act, to  
repeal an act, entitled an act, to repeal an act, entitled an act to provide  
for the payment of Petit Jurors, in certain counties therein named, ap-  
proved December 22d 1826, so far as said act relates to the counties of  
Madison and Montgomery; and an act to repeal so much of the 3d  
section of an act entitled an act to reduce the expenses of the General  
Assembly, and for other purposes, passed at Cahawba 15th June 1821,  
as follows with spirit.

Ordered, that the House recede from their amendment to the bill enti-  
tled, an act to amend an act entitled an act to incorporate the Town of  
Elyton in the county of Jefferson, passed December 20th 1820, by stri-  
king from the 15th line of the 1st section, the words "one dollar," and  
inserting "twenty five cents."



Engrossed bill from the senate entitled, an act to amend an act entitled, an act to provide for the printing of the Laws and Journals, and for other purposes, passed 25th December 1822, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was then read a third time and passed: *Ordered* that the title be as aforesaid: *Ordered* that the clerk acquaint the senate therewith.

Engrossed bill from the Senate entitled, an act to amend an act to prohibit the introduction of slaves into this State, for sale or hire, was read a first time and ordered to be read a second time tomorrow.

On motion of Mr. Lewis: *Resolved* that the principal Clerk of this House, be authorised to employ at the public expense, another assistant Clerk, for the purpose of bringing, and keeping up, the journal of this House.

Mr. Moore of mad. obtained leave to introduce a bill to be entitled, an act for the relief of Robert H. Rose, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with; it was then read a second time forthwith, and ordered to be engrossed for a third reading on tomorrow.

Mr. Kelly from the select committee to which was referred so much of the Governor's message as relates to the system of protecting duties by the General Government: *Reported* a joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry, at the expense of others, and the policy of the practice, which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and laid on the table till tomorrow.

Engrossed bill to be entitled, an act for the relief of Henry T. Anthony, was read a third time, and the question being put, shall this bill pass it was determined in the negative, yeas 25—nays 35.

The yeas and nays being desired. Those who voted in the affirmative are.

Members. Speaker Acklen Broadnax Bridges Bonnell Collier Connor Cook Dennis Durrett Duke Ellis Forrest Harris Higgins Jack Martin Perkins Ross Stone Tarver Terry Walker Walthal and Ward, 25.

Those who voted in the negative are,

Members. Anderson Bell Bradford Brown Clark Colgin Coopwood Craig Daniel Davis Edmondson Greening Kelly Lawler Lewis M'Vay of Land. M'Vay of Law. Massey M'Rae of Frank. Moore of Jack. Moore of mad. Price Rainey Rather Richardson Robertson Russell Sargent Sharp Smith of C. Smith of mad. Vaughan Vining Weisinger and Wiggins, 35.

Engrossed bill entitled, an act giving additional powers to the commissioners, for superintending the erection of the State capitol, and for compensating the superintendents. Mr. Kelly moved to amend the bill by way of the following engrossed rider at the end of the 6th section "except such as may be allowed by the Trustees of the University, to be paid out of the University lands," which was carried. Mr. Moore of Jack. moved to fill the blank, with seventeen hundred and forty and which was carried, yeas 32—nays 23.

The yeas and nays being desired. Those who voted in the affirmative are.

Members. Speaker Acklen Anderson Bell Bradford Brown Bridges

Clark Colgin Collier Duke Ellis Forrest Greening Harris Jack Kelly Lewis Martin M'Rae of Frank. Moore of Jack. Moore of mad. Rainey Richardson Ross Russell Sargent Smith of C. Stone Tarver Walthal and Wiggins, 52.

Those who voted in the negative are.

Messrs. Bradford Brown Conner Cook Coopwood Craig Daniel Davis Dennis Durrett Edmondson Higgins Lawler M'Vay of Laud, M'Vay of Law. Massey Perkins Price Rather Robertson Sharp Smith of mad. Terry Vaughan Vining Walthal Ward and Weisinger, 28.

Mr. Forrest moved to amend the bill by way of the following engrossed rider, which was carried: to be paid quarter yearly, out of any money in the Treasury, not otherwise appropriated, which was adopted. Mr. Kelly moved further to amend the bill in the 4th section after the word "performed," insert the words "previous to the first day of January 1829," which was adopted. Mr. Collier moved to fill the blank in the 4th section of the bill, with the words "eleven hundred and sixty six," which was lost, yeas 21—nays 31.

The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Speaker Acklen Anderson Bell Broadnax Bridges Clark Colgin Collier Duke Ellis Forrest Greening Harris Jack Kelly Martin Moore of Jack. Ross Smith of Clark Stone and Tarver.

Those who voted in the negative are.

Messrs. Bradford Brown Bonnell Conner Cook Coopwood Daniel Davis Dennis Durrett Duke Edmondson Higgins Lawler Lewis M'Vay of Laud, M'Vay of Law. Massey M'Rae of Frank. Moore of mad. Perkins Price Rainey Rather Richardson Robertson Russell Sargent Sharp Smith of mad. Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins, 52.

Mr. Forrest moved to fill the blank with one thousand, which was lost; yeas 21—nays 31.

The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Speaker Acklen Anderson Bell Broadnax Bridges Clark Colgin Collier Duke Ellis Forrest Greening Harris Jack Kelly Lawler Martin M'Rae of Frank. Moore of Jack. Rainey Ross Sargent Smith of C. Stone Tarver, 26.

Those who voted in the negative are.

Messrs. Bradford Brown Bonnell Conner Cook Coopwood Daniel Davis Dennis Durrett Edmondson Higgins Lewis M'Vay of Laud, M'Vay of Law. Massey Moore of mad. Perkins Price Rather Richardson Robertson Russell Sharp Smith of mad. Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins, 53.

Mr. Collier moved to fill the blank with eight hundred, which was carried. Mr. Perkins moved to amend the bill by way of engrossed rider, which was laid on the table. the bill was then passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence, and then the house adjourned till this evening 2 o'clock.

EVENING SESSION, 2 o'clock.

The House met pursuant to adjournment.

A bill to be entitled, an act to repeal an act therein named, was read a second time and laid on the table.

Mr. Rainey offered the following: Resolved that the Senate be invited to assemble in the Representative Hall at seven o'clock this







amendment, prepared by Mr. Walker, to a select committee, consisting of Messrs. Kerry Lawler and Walker.

Engrossed bill from the Senate entitled, an act relative to the Executive of this State. Mr. Kelly moved to amend the bill by striking out, three hundred, with a view to insert, five hundred, which was lost. Mr. Craig moved to strike out three hundred which was lost; and the question being put, shall this bill be read a third time on tomorrow, it was carried in the negative, yeas 24—nays 53.

Yeas and nays taken on the bill, those who voted in the affirmative are,

Messrs. Messrs. John Davidson, C. J. Collier Davis Dennis Ellis Harris Jack Lawler Joseph M. Patterson Thomas Price Ramsey Ross Sharp Stone Tarver Walker Hal-  
liday and Wilson.

Those who voted in the negative are,

Messrs. Messrs. John Davidson, C. J. Collier Davis Dennis Ellis Harris Jack Lawler Joseph M. Patterson Thomas Price Ramsey Ross Sharp Stone Tarver Walker Hal-  
liday and Wilson.

Engrossed bill from the Senate entitled, an act to provide for reports of the decisions of the courts of law, to be read a third time. Mr. Clark moved to amend it by way of inserting a clause, which was carried, and the question being put, shall this bill pass, it was carried in the affirmative, yeas 27—nays 22.

Yeas and nays taken on the bill, those who voted in the affirmative are,

Messrs. Messrs. A. J. Anderson Benjamin Bridge Bonnell Clark Col-  
lier Harris Jack Lawler Joseph M. Patterson Thomas Price Ramsey Ross Russell Sargent Sharp Smith  
Stone Tarver Walker and Wilson.

Those who voted in the negative are,

Messrs. Messrs. John Davidson, C. J. Collier Davis Dennis Ellis Harris Jack Lawler Joseph M. Patterson Thomas Price Ramsey Ross Russell Sargent Sharp Smith  
Stone Tarver Walker and Wilson.

Ordered that the title be as aforesaid: Ordered that the Clerk acquaint the Senate therewith.

A bill to repeal in part a certain act therein named, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, and passed. Ordered that the title be as aforesaid: ordered that the same be sent to the Senate for their concurrence.

A bill to be entitled, an act to provide for the trial of the right of property, and for other purposes, was laid on the table, and then the house adjourned until 7 o'clock, this evening.

NIGHT SESSION, 7 o'clock.

The House next proceeded to adjournment.

Mr. Collier obtained leave to introduce a bill to be entitled "an act providing at what place and persons taking in execution shall be sold in the county of Frederick," which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading tomorrow.

A bill to be entitled "an act to divorce Benjamin D. Hassell from his wife Mary Hassell," was read a second time. Mr. Lawler moved to amend the bill by way of proviso which was carried: it was then ordered to be engrossed and read a third time tomorrow.

Bills of the following titles to wit: an act to divorce Thomas J. Snowden from Tabitha Snowden; an act to divorce Jane Gholson from her husband John Gholson; an act to divorce Parthenia Coursey from her husband James Coursey; an act to authorize the Governor to execute bonds to

ten for public arms to be renewed; were severally read a second time and ordered to be engrossed for a third reading tomorrow.

Mr. Anderson moved that the House adjourn until Wednesday morning 5 o'clock, which was lost. Yeas 12—nays 42. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Acklen Anderson, Higgins Lewis, Martin, Moore of Jack, Perkins Russell Stone Tarver and Vaughan—12.

Those who voted in the negative are,

Messrs. Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner Cook, Coopwood, Daniel, Davis, Dennis, Durrett, Ellis Ellis Edmundson Forrest Greening Harris Lawler M'Vay of Law, M'Vay of Law, Massey M'Rae of Frank, Moore of mad, Price Rainey Rather Richardson Robertson, Sargent Sharp Smith of Clarke, Smith of mad, Terry Walthead Ward and Weisinger—41.

Mr. Perkins moved that the House adjourn until tomorrow morning, 10 o'clock, which was lost. Yeas 10—nays 45. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Acklen Brown Copeland Davis Duke Lewis, Moore of Jack, Perkins Russell Vaughan—10.

Those who voted in the negative are,

Messrs. Speaker, Anderson Bell Bradford Broadnax, Bridges, Bonnell Clark Colgin Collier Conner Cook, Craig, Daniel Dennis, Durrett, Ellis Ellis Edmundson Forrest, Greening, Harris, Higgins, Lawler, Martin, M'Vay of Law, M'Vay of Law, Massey M'Rae of Frank, Moore of mad, Paddling Price Rainey Rather, Richardson, Robertson, Sargent, Sharp, Smith of mad, Stone Tarver Terry Walthead Ward Weisinger and Weisinger—45.

Engrossed bill from the Senate entitled "an act to annex additional territory to Bibb county, so as to make the same constitutional" was read a first time and ordered to be read a second time tomorrow.

Engrossed bill from the Senate entitled "an act concerning registration of deeds and patents," was read a second time and ordered to be read a third time tomorrow.

Engrossed bill from the Senate entitled "an act to authorise John G. Creagh to bring into this state the slaves of his wards Anne D. Houze and James Houze, and for other purposes," was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled "an act to authorise and require the Secretary of state to procure and distribute to each county in this state, one set of weights and measures," was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles to wit: an act to repeal in part an act passed March 1893 and re-enacted with amendments February 1897; an act to incorporate a Volunteer company under the name and style of the Monroe Rifle Company; an act concerning the duties of clerks of the county courts, and other officers; an act to alter the times of holding company courts martial; an act for the relief of Joseph Owens were severally read a third time and passed. Ordered that the titles be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act to provide for the preservation of the public arms was read a third time. Mr. Brown moved that the farther consideration of the bill be postponed until the first day of June next.



Mr. Moore of Jack, moved that the House adjourn until tomorrow morning 9 o'clock, which was lost, yeas 22—nays 53.

The yeas and nays being desired. Those who voted in the affirmative are,

Messrs. Broadnax Bannell Craig Davis Dennis Duke Forrest Higgins Lewis Martin Massey McRae of Frank. Moore of Jack, Paulding Perkins Price Ross Russell Stone Tarver Vaughan and Ward, 22.

Those who voted in the negative are,

Messrs. Speaker Anderson Bell Bradford Brown Bridges Clark Colgin Collier Comer Cook Cooper and Daniel Barrett Ellis Edmundson Greening Harris Layler McVay of Land, McVay of Law, Moore of Mad. Roney Rather Richardson Robertson Sargent Sharp Smith of Mad. Terry Walthal Weinger and Wiggins, 53.

The House again resumed the consideration of the bill entitled, an act to provide for the preservation of the public lands. Mr. Ross moved to fill the blank in the bill with two hundred and fifty, which was carried, and the question being put, shall this bill pass? it was determined in the affirmative, yeas 39—nays 14.

The yeas and nays being desired. Those who voted in the affirmative are,

Messrs. Speaker Arden Anderson Bell Broadnax Bannell Colgin Collier Cook Craig Daniel Davis Dennis Barrett Forrest Greening Higgins Layler Lewis Martin McVay of Land, Massey Moore of Jack, Moore of Mad. Paulding Perkins Roney Rather Richardson Ross Robertson Russell Sharp Smith of Mad. Stone Terry Vaughan Walthal Weinger and Wiggins, 19.

Those who voted in the negative are,

Messrs. Bradford Brown Bridges Clark Comer Cooper and Duke Ellis Edmundson Harris McVay of Law, Price Sargent and Ward, 11.

Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act for the relief of John Wood, was read a third time. Mr. Forrest moved to amend the bill by way of engrossed rider, which was carried, the bill was then passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act to establish a road from M'Murray's old saw mill, on the Shades Creek, in Jefferson county, to Charles Mondin's, in Shelby county. Mr. Layler moved to amend the bill by way of engrossed rider, which was carried. Mr. Martin moved to amend the bill by way of engrossed rider, by way of proviso, which was carried, the bill was then passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence, and then the House adjourned until tomorrow morning 9 o'clock.

January 8, 1826.

The House met pursuant to adjournment.

Mr. McRae of Frank. then introduced a committee to which was referred the petition of a number of the practicing Physicians of Franklin, Lawrence, and Lauderdale counties. Reported that they are deeply impressed with the importance of the subject presented in the petition, but as the session is fast near a close, they think it imprudent to legislate hastily on a subject of so much importance to the profession and citizens in general at this season, and recommend the same to the early attention of the next session, and beg leave to be discharged from the further consideration of the subject, which was granted.

Mr. M'Vay of Law, from the select committee to which was referred a bill from the Senate entitled "an act for the relief of Wyatt Cheatham," reported the same without amendment; it was then read a third time and passed. Ordered that the title be as aforesaid. Ordered that the Clerk acquaint the Senate therewith.

Mr. Ellis from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to provide for the translation and preservation of the Spanish records of this state; an act to repeal so much of the 3d section of an act entitled an act to reduce the expenses of the General Assembly, and for other purposes, passed at Cahawba the 15th day of June, 1821, as is herein specified; an act to emancipate certain persons therein mentioned; and an act reviving an act authorising a lottery for the benefit of the navigation of the Buttehabie: all of which originated in the Senate. Joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry at the expense of others and the policy of the measure was read a second time and considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Mr. Smith of Clarke obtained leave to introduce a bill to be entitled "an act to authorise the Judges of the county courts to fill vacancies in the office of commissioners of roads and revenue, and for other purpose," was read a first time. Mr. Smith of mad. moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 25—nays 30. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Anderson, Broadnax, Bonnell, Clark, Colgin, Conner, Cook, Craig, Daniel, Darrett, Ellis, Greening, Higgins, M'Vay of Land, Moore of Jack, Moore of mad, Rainey, Richardson, Sharp, Smith of mad, Tarver, Terry, Walker, Ward and Wiggin—25.

Those who voted in the negative are,

Messrs. Speaker, Acklen, Bell, Bradford, Brown, Collier, Coopwood, Davis, Dennis, Duke, Edmondson, Forrest, Harris, Jack, Kelly, Layler, Martin, Massey, M'Rae of Frank, Perkins, Price, Rather, Ross, Robertson, Russell, Smith of Clarke, Vaughan, Vining, Walthead and Weisinger—30. It was then read a second time forthwith, the rule being dispensed with and referred to a select committee consisting of Messrs. Harris, Smith of Clarke, and Terry.

Mr. Ross from the committee on accounts to which was referred sundry claims against the state, Reported a bill to be entitled "an act making appropriation for certain claims against the state;" which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the committee on accounts.

Mr. Kelly made the following report: The select committee to which was referred a bill to repeal in part and amend the act entitled an act to incorporate the Muscle Shoals Canal company, have had the same under consideration; and as far as time would admit, have bestowed on the subject the attention due to its importance. It presents the important question whether the improvements desired by all, should be carried on by the state, directly or through the agency of incorporated companies. In every aspect under which your committee have been able to view the subject, the direct improvement by the state, is preferable to the other mode. At the threshold of this inquiry, however, we are met by the question, can the state probably command the means that will be necessary to effect the object? If it be conceded that the state cannot do so in a reasonable

time, then it might be proper to incorporate companies for the purpose. Your committee, however, consider it highly probable that the state can, without difficulty, command ample means for the purpose in the course of a few years; the charter of incorporation granted at the last session, allowed the company to establish such a rate of toll, as would amount to an annual profit at least 1  $\frac{1}{2}$  per cent upon the capital expended. If individual adventurers could, by a toll of boats, &c. make a profit of 12  $\frac{1}{2}$  per cent per annum, it is clear that the state might make a similar profit, and if so, the sum necessary to cut the canal can be borrowed by the state, and applied to that object, and when completed, the profits will ultimately reimburse the loan. Individual enterprises of the kind rarely succeed in works of great national importance—the policy of New York has been to keep such enterprises in the hands of the state; and the distinguished success that has attended her exertions, should instruct other states how much can be achieved by the judicious application of the means of a government. Ohio is following in her example, and extending the line of inland communication. The facility with which the means were commanded, and the success that has already crowned the exertions of New York, and in all human probability, will shortly reward those of Ohio, should admonish Alabama not to despair, but to emulate and imitate the example, even if no intrinsic aid could be expected. Your committee would still think that the probable development and expansion of our resources, would enable the state to undertake and complete the improvement in less time than it can be reasonably expected to be done by a company, unless a very strong address is made to the interests of individuals, by the amount of profits or other advantages allowed in the charter. Interest is the main incentive to individual exertion, and must be strongly addressed, to produce a great national improvement by the application of individual means; all the hazards of a failure in the enterprise, must be covered by the extent of the profits allowed in the event of success, or individuals will not embark their funds. The profits to be paid, whether to the state or to a company, it is very clear, must be considered a tax on the labor of the country; and it is consequently, of great importance to the people, that the tax so to be paid should be as low as possible. The state would be satisfied with a lower rate of toll than a company would, and avoid all the evil consequences of allowing one portion of the community to tax the balance. Your committee feels a greater degree of confidence in the belief, that the aid of the United States and also of the state of Tennessee, may be obtained in time to complete the work in a shorter time, than it is probable it will be done, if left in the hands of a company.

The national character of the improvement in question, renders it morally certain, that the United States will accord to Alabama, early and suitable aid in the enterprise. The ample donation in public lands made to the north western states for a similar purpose, at the last session, forbids us to doubt the extension of similar liberality to us, from the General Government. The deep interest that the state of Tennessee is known to feel in relation to the improvement in question, insures the aid and co-operation of that state also, on a proper application. To doubt the means of the three governments to effect the object, would be rejecting the influence of facts, and the admonitions of experience. Your committee forbear to dwell on the many and important objections that might be urged against the policy of multiplying corporations, and will only add that the sluggish movements of the company under consideration, if not



mitted to continue its existence might be found to present a formidable obstacle to the exertions of the state, as difficult to remove, as the natural obstructions in the stream that we all desire to remove.

These considerations lead to the belief, that inasmuch as no stock has been as yet subscribed for, and the advantageous terms accorded in the charter have not been accepted, and indeed seem to be unacceptable, your committee consider it a fit occasion to assert the principle, that the state will retain in its own hands, improvements of such magnitude: and therefore have amended the bill by striking out all after the word "that" in the first line after the enacting clause, and inserting the accompanying substitute, which was ordered to lie on the table.

*Journal of the Senate by Mr. Lyon,*

MR. SPEAKER—The Senate concur in the amendment made by your honorable body to the bill entitled an act to authorize John P. Neal, agent of William A. Powell, to emancipate John Robinson, a man of color: they have read three times, and passed bills which originated in their House, entitled an act the better to regulate Judicial proceedings: an act to amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, approved January 12th 1827: and an act to make further compensation to John D. Ferrell, for service rendered in closing the unsettled accounts between this state and Mississippi in all of which they desire the concurrence of the House of Representatives. They have also passed bills &c. which originated in the House of Representatives, entitled an act for the relief of Dugald M'Farlane: an act to amend an act to incorporate the town of Montgomery: an act to amend an act entitled an act concerning roads, highways, bridges and ferries in the county of Mobile: an act to provide for the payment of petit Jurors in the county of Jefferson: an act to authorize William Hynds to sell and convey a certain tract of land therein mentioned and for other purposes: an act to authorize the Judge of the county of Lauderdale and Commissioners of roads and revenue of Shelby county to levy a special tax: an act to amend in part and repeal in part an act to establish the town of Fatesburg and incorporate its trustees: an act to regulate the payment of petit Jurors in the county of Washington: an act to change the names of certain persons herein named: an act to authorize Jesse Lott to continue a toll bridge erected over Dog river, in the county of Mobile, & have amended the caption of the same by adding the words, "and for other purposes:" a joint resolution declaring the expiration of the office of the present trustees of the University of the state of Alabama, and have amended the same by adding thereto and additional resolution: and a memorial to the Congress of the United States, on the subject of the extension of the federal Judiciary system, so as to admit the states received into the union since the last extension thereof, to a participation of its benefits; and have amended the same by striking out all after the word "represents" in the 9th line from the beginning, and substituting the accompanying memorial in lieu thereof: in all of which amendments they respectfully ask your concurrence: also an act to incorporate the trustees of Oak Grove academy, of Perry county. And then he withdrew.

Ordered that the House concur in the amendments made by the Senate to the bill entitled "an act to authorize Jesse Lott to continue a toll bridge over Dog river in county of Mobile," by adding to the title of the bill, the words "and for other purposes." Ordered that the House concur in the amendments made by the Senate, to the joint resolution declaring the expiration of the office of the present trustees of the University of the state

of Alabama, by adding another member to said resolution. En-  
grossed memorial to the Congress of the United States, on the subject  
of the extension of the federal Judiciary system, so as to admit the states  
received into the union since the last extension thereof, to a participation  
of its benefits, was referred to a select committee, consisting of Messrs.  
Sutton, Clarke, Collier, Ross and Kelly.

Mr. Speaker laid before the House, a communication from Henry  
Hitchcock, Esq. Attorney General, which was read and laid on the ta-  
ble. Mr. Perkins moved that three hundred copies thereof be printed  
for the use of this House; which was lost. Yeas 19—nays 39. The  
yeas and nays being desired, those who voted in the affirmative are:

Messrs. Bonnell Colgin Comer Craig, Durrett, Edmondson, Harris,  
Kelly Lawler, McVay of Loud, Perkins Ramey, Ross, Robertson, Stone,  
Tanner Vaughan Walthall and Weisinger—19.

Those who voted in the negative are:

Mr. Speaker. Arden Anderson Bell Bradford Brown Broadnax Brid-  
ges Clark Collier Coopwood Davis Dennis Duke Ellis Forrest Greening  
Higgins Jack Lewis Martin-Massey, McRae of Frank, Moore of Jack,  
Moore of mad, Paulling Price Reher Richardson Russell Sargent Sharp  
Smith of Clarke, Smith of mad, Terry Young Walker, Ward, and Wig-  
gins—39.

Engrossed bill from the Senate entitled "an act better to regulate Ju-  
dicial proceedings," was read a first time, and the rule requiring bills  
and joint resolutions to be read on three several days being dispensed  
with, it was then read a second time forthwith, and ordered to be read a  
third time tomorrow.

Mr. Lewis obtained leave to introduce a bill to be entitled "an act  
prescribing the manner in which the citizens of this state shall vote on  
the joint resolutions proposing to change the constitution of the state, so  
as to limit the tenure of the Judges to seven years;" which was read a  
first time, and the rule requiring bills to be read on three several days  
being dispensed with, it was then read a second time forthwith, and re-  
ferred to the Judiciary committee.

Mr. Stone from the select committee to which was referred a bill to be  
entitled "an act relative to volunteer companies in the militia of this  
state, and for other purposes" reported the same with the following a-  
mendment: 2d section 5th line after the word "company," insert "by ad-  
vertisement at each election precinct, and also at each company muster  
ground in said company, shall be deemed good and sufficient notice," and  
by adding thereto three additional sections: in which amendments the  
House concurred. It was then read a second time, and ordered to be en-  
grossed for a third reading tomorrow.

Mr. Bridges obtained leave to introduce a bill to be entitled "an act to  
repeal in part and amend an act entitled an act to establish a certain  
road therein designated;" which was read a first time, and the rule re-  
quiring bills and joint resolutions to be read on three several days being  
dispensed with, it was then read a second time forthwith, and considered  
as engrossed, and the rule being further dispensed with, it was then read  
a third time and passed. Ordered that the title be as aforesaid. Ordered  
that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled "an act to amend an act enti-  
tled an act to reduce into one the several acts concerning roads, bridges,  
ferries and highways," approved January 12th 1827, was on motion of  
Mr. Craig, laid on the table till the 1st day of June next.





Justices of the peace and Constables, were severally read a third time and passed: Ordered that the title be as aforesaid: Ordered, that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled an act regulating the duties of Attorneys at Law, and for other purposes, was read a third time and passed: Ordered that the title be as aforesaid, ordered that the same be sent to the Senate for their concurrence.

The House adopted the resolution offered by Mr. Rainy, proposing to go into the election of a Judge and Solicitor of the seventh judicial circuit in the evening at the hour of seven o'clock; ordered that the Clerk accompany the Senate thither with.

Engrossed bill to be entitled an act to establish the principles of decision in certain cases law and equity, was read a third time.

Mr. Perkins moved to amend the bill by way of engrossed rider, which was adopted.

Mr. Stone moved to amend the bill by way of engrossed rider by proviso, which was lost.

Mr. Perry moved to amend the bill by way of engrossed rider, by proviso, which was lost.

Mr. Collier moved to amend the same by way of engrossed rider, by proviso, at the end of the 4th section, which was lost. The bill then being on its passage, and the question being put, shall this bill pass: it was determined in the negative. Yeas 13—nays 39. The yeas and nays being desired, those who voted in the affirmative are,

Yeas: Messrs. Spivey, Jackson, Anderson, Brookins, Brooks, Cook, Cragg, Dennis, Greening, Higgins, Jackson, Lee, McVay of Land, Moore of Jack, Sargent, Smith of Clarke, Walker, and Watkins—13.

Those who voted in the negative are,

Nays: Messrs. Dean, Caldwell, Brown, Howell, Clark, Colgin, Collier, Conner, Daniel, Davis, Durrett, Dyer, Egan, Edwards, Farnes, Harris, Lawler, Lewis, Massey, McRae, of Frank, Moore of Land, Perkins, Rice, Jackson, Reine, Richards, Ross, Roberts, Jr., Russell, Sharp, Smith of Land, Stone, Taylor, Terry, Vaughan, Young, Ward, Weisinger and Wiggins—39.

A message from the Senate by Mr. Lybn.

MR. SPEAKER:—The Senate have passed bills which originated in their House entitled an act to authorize the building a Jail in Morgan county; and an act to change the times of holding the county court of Jefferson, Henry, and Dale counties; in which they desire your concurrence—they have passed bills which originated in the House of Representatives, entitled an act to increase the capital of the Bank of the state of Alabama; an act to provide for the keeping in repair a certain road therein mentioned; an act to authorize the county court of Jackson county to levy an extra tax; an act to authorize the election of a Justice of the peace in the town of Columbia, in Shelby county; and have amended the same by the addition of a section; also an act changing the time of holding the county courts in Greene and Perry counties; and have amended the same by striking out the 2d section and inserting another in lieu thereof; in which amendments they desire your concurrence. The Senate recede from insisting on their amendment to the bill entitled an act to apportion the Representatives among the several counties in this state, and divide the state into Senatorial Districts, according to the late census, by adding thereto an additional section. They disagree to the amendment made by your honorable body to the bill entitled an act to organize and establish a circuit court in Dale county and to arrange the counties of the first, second, and sixth judicial circuits. They disagree to the amendment made by the House of Representatives to the bill entitled an act further to amend the charter of the Bank of the state of Alabama.

They concur in the amendment made by the House to the bill entitled an act to authorise John G. Creagh to bring to this state the slaves of his wards Anna D. Houze and James Houze. They also concur in the amendments made by your honorable body to the bill entitled an act to authorise and require the Secretary of state to procure and distribute to each county in this state one sett of weights and measures. They also concur in the amendments made by the House to the bill entitled an act more effectually to prevent frauds and fraudulent conveyances and for other purposes. \* They disagree to the amendment made by the House to the bill entitled an act concerning the owners and keepers of mills and other water works, by adding a proviso to the end of the first section thereof. They concur in all the other amendments made by your honorable body to the bill. They disagree to the amendments made by your honorable body to the bill entitled an act to provide for reports of the decisions of the Supreme court, by striking from the 1<sup>th</sup> line of the first section "twelve months," and inserting "two years;" and by adding a section to the bill securing to the reporter the copy right of the work. They concur in all the other amendments to the bill. They have adopted the following resolution, in which they desire your concurrence: *Resolved* with the concurrence of the House of Representatives, that the Houses will assemble in the Representative Hall to elect two trustees of the University from the 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Judicial circuits; and also a Judge and Solicitor of the 7<sup>th</sup> Judicial circuit, to day at the hour of 5 o'clock P. M. They concur in the several amendments made by your honorable body, to the bill entitled an act to incorporate the town of Tuscaloosa and to repeal an act incorporating said town, passed 13<sup>th</sup> December 1819. And then he withdrew.

*Ordered* that so much of said message as relates to the election of a Judge and Solicitor of the 7<sup>th</sup> Judicial circuit, and the election of trustees of the University lie on the table.

Mr. Ellis from the committee on enrolled bills *Reported*, that they had examined and found correctly enrolled, bills of the following titles, to wit: Joint resolution to provide a House for the accommodation of the next General Assembly; which originated in this House; an act to authorise John P. Neal, agent of William A. Powell, to emancipate John Robinson a man of color; and an act to form a seventh Judicial circuit; which originated in the Senate.

*Ordered* that the House concur in the amendments made by the Senate to the bill entitled "an act to authorise the election of a Justice of the peace in the town of Columbia, in Shelby county, by adding thereto an additional section. *Ordered* that the House concur in the amendments made by the Senate to the bill entitled "an act changing the time of holding the county courts in Greene and Perry counties," by striking out the 2<sup>d</sup> section, and by substituting another in lieu thereof.

A message was received from the Governor by James I. Thornton, which is as follows:

JANUARY 9, 1823.

**MR. SPEAKER:**—The Governor did, on the 7<sup>th</sup> instant, approve and sign the following bills: an act for the relief of William Jones of Walker county; an act to authorise the raising of three thousand dollars for the purpose of building a bridge across Shoal Creek; an act to amend an act entitled an act to incorporate the town of Mooresville, and for other purposes, passed the 16<sup>th</sup> day of November, 1818; an act to provide for the support of paupers in the counties of Madison, Autauga, Tuscaloosa, and Clarke; an act to authorise the Judge of the county court of Morgan county

and the commissioners of roads and revenue to levy a special tax for the purpose therein mentioned; all of which originated in the House of Representatives.

*Ordered* that the House adhere to their amendments to the bill entitled "an act to organize and establish a circuit court in Dale county, and to arrange the counties of the first, second, and sixth Judicial circuits: *Ordered* that the House insist on their amendments to the bill entitled "an act to amend the charter of the Bank of the state of Alabama." *Ordered* that the House insist on their amendments to the bill entitled "an act concerning the owners and keepers of mills and other water works," by adding the proviso to the end of the first section thereof. *Ordered* that the House recede from their amendments to the bill entitled "an act to provide for Reports of the decisions of the Supreme court, by striking from the fifth line of the 1st section 'twelve months,' and inserting 'one year,' and by adding a section to the bill securing to the reporter the copyright of the work.

A message from the Senate by Mr. Cralch.

SEN. SPEAKER—The Senate have accepted the resolution of the House of Representatives, proposing to put into the election of a Judge and Solicitor of the seventh judicial circuit, on to day at 7 o'clock P. M. and have amended the same by adding immediately after "Judicial circuit," and also two trustees to each Judicial circuit. *Ordered* that the House assent to said amendment.

Mr. Graham, from the select committee to which was referred a bill to be entitled "an act prescribing the manner in which the citizens of this state shall vote on the different propositions proposing to change the constitution of the state, so as to limit the term of the Judges to seven years," reported a substitute in lieu thereof; which was considered as engrossed; it was then read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Kelly from the committee on accounts to which was referred a bill to be entitled "an act making appropriations for certain claims against the state," reported the bill without an amendment. Mr. Clark moved to amend the bill by striking out the latter part of the 14th section, which proposes an allowance to Henry S. Clark of the Supreme court; which was carried. Yeas 44—nays 7. The yeas and nays being desired, those were as follow:—*Yeas*—44.

Messrs. Speaker Anderson Bradford Brown Bridges Clark Colgin Conner Cook Cooper Craig Dancy Davis Deane Dearest Drake E. Henderson, Fortes Greening, Higgins, Kelly, Lester, McVay, or Linn Massie, McRae or Frank Moore of Jack Moore of Mad. Price Ramey, Ramey Robertson, Roberts, Russell Sargent Sharp Smith of Clarke Smith of Mad. Stone Terry Vaughan Watkins Ward Weisinger and Higgins—44.

*Nays*—7. Messrs. Bradman Bonnell Harris Jack Perkins Ross and Tarter—7.

A motion to adjourn was proposed and carried. 2 o'clock this evening.

EVENING SESSION, 2 o'clock.

The House met pursuant to adjournment.

1. *Resolved* that the House insist on the bill entitled an act making appropriations for certain claims against the State.

2. Mr. Greening moved to amend the bill, by adding thereto an additional section, which was carried.

3. Mr. Jack moved to amend the bill, by adding thereto an additional section, which was carried. Mr. Kelly moved to amend the bill, by adding thereto an additional section, which was carried; it was then ordered to be engrossed for a third reading tomorrow.

Mr. Kelly from the committee of Ways and Means, reported a bill to



be entitled an act making appropriations for the year 1828; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with the bill was read a second time forthwith and laid on the table until tomorrow.

Engrossed bill from the Senate entitled an act to authorise Mahala Farrar to emancipate a mulatto woman slave named Patience, was read a second time and ordered to be read third time tomorrow.

Engrossed bill from the Senate entitled an act to change the times of holding the county courts of Jefferson, Henry and Dale counties; was read a first time and ordered to be read a second time tomorrow.

Engrossed bill from the Senate entitled an act to authorise the building a jail in Morgan county, was read a first time, and the rule requiring bills to be read on three several days being dispensed with; it was then read a second time forthwith. Mr. Greening moved to amend the bill by striking out the second and section, which was carried, and the rule being further dispensed with, it was then read a third time forthwith and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act to amend an act to divide the State into districts for electing Representatives to Congress passed December 21st 1822, was on motion of Mr. Terry; laid on the table until tomorrow.

Engrossed bills from the Senate of the following titles to wit: an act to declare Canoe creek in St. Clair county a public highway; an act to authorise John Smith of Jefferson county, to emancipate a certain slave therein named; an act to incorporate the Franklin Academy, in the town of Russellville, Franklin county; an act to provide the clerks of the several counties in this state with copies of the acts of the present and each subsequent Congress of the United States. an act to amend an act entitled an act to incorporate the school commissioners of the 4th township and 8th range west from Huntsville, and for other purposes; an act to preserve the health of the inhabitants residing on Sinking creek, in Lauderdale county; an act authorising a lottery for the purpose of building an Academy and Courthouse in the county of Henry; were severally read a third time and passed. Ordered that the titles be as aforesaid; ordered that the Clerk acquaint the Senate therewith.

Mr. Ross from the select committee appointed to investigate the official conduct of the hon. Abner S. Lipscomb judge of the first judicial circuit of this state, on charges preferred by Geo. F. Sales; reported a bill to entitled an act to provide for the payment of certain expenses therein named, which was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading tomorrow.

Mr. Kelly from the select committee to which was referred the bill entitled an act to amend the law in relation to original attachments reported the same with the following amendments, strike out the words "or effects" where they occur in the 2nd section and the words in connexion with them attached to the bill by a waver; and have further amended the same by adding after the words "them," in the same section with the following: "or that he, she, or they are about to remove his, her, or their property out of the state, and that thereby the plaintiff will probably lose the debt or have to sue for it in another state;" in which amendments the House concurred: the bill was then ordered to be engrossed for a third reading tomorrow.

Mr. Martin from the committee on propositions and grievances to

which was referred the bill from the Senate entitled "an act for the relief of John C. and John H. and Henry Center," reported the bill with an amendment. Mr. Craig moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 25—nays 36. Yeas and nays being ordered, the yeas were 25 and the nays 36.

Messrs. Anderson Bill Bradford Brown Colgin, Conner, Coopwood, Craig Daniel Davis Darrett Duke Edmundson M'Vay of Law, Massy M'Ray of Fk. Price Rather Robertson, Russell, Sargent, Smith of mad. Terry Vaughan and Wiggins—25.

Those who voted in the negative are.

Messrs. Speaker, Acklen Broadnax Bridges, Bonnell, Clark, Collier, Cook Dennis Elus Forrest Greening Harris Jack Kelly Lawler Lewis Martin Moore of Jack Moore of mad. Perkins Ramey Richardson Ross Sharp Smith of Cke. St. John Tarter Vining Walker Walthal Ward and Wessing—33.

Mr. Bridges then moved that the bill lie on the table which was carried.

Mr. Speaker from the Senate by Mr. Lyon.

MR. SPEAKER—The Senate have passed their amendment to the resolution proposing to go into the election of a Judge and Solicitor for the second circuit. It is evening and I shall be leaving the work of the day to the Justices tomorrow. They persist in their disagreement to come to a compromise by the House, both had entitled "an act to organize and establish a court of justice in Dea county, and to arrange the business of the 1st, 2d, and 3d judicial circuits, and have appointed a committee on their part consisting of Messrs. Evans, Casey, and Patton, to confer with a committee as may be appointed on your part on the subject of said disagreement. And then he would ex-

A response Messrs. Greening, Walker, Cook, Lewis, and Clark, were appointed said committee.

Engrossed bill from the Senate entitled "an act to amend an act to provide for the introduction of slaves into this State for sale or hire," was read a second time. Mr. Perkins moved to amend the bill by way of substituting it was to be together with the proposed amendment, referred to select committee consisting of Messrs. Perkins and Ross.

Engrossed bill from the Senate entitled "an act concerning the registration of deeds and patents," was read a third time. Mr. Collier moved to amend the bill by way of engrossed order which was carried. Mr. Kelly then moved to amend the bill by way of engrossed order which was carried. It was then a S. D. Ordered that the title be as aforesaid. Ordered that the clock acquiesce in the Senate therewith.

Engrossed bill of the following title, to wit: an act to emancipate certain persons, wherein is contained an act to appoint commissioners to lay out a road, thereupon specified an act to authorize the election of an additional constable to be held including the town of Chatham; an act to incorporate Barlett's Dispensary of Knights Templar No. 11 on 1st for the relief of John W. O. Heaton were severally read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their consideration.

Engrossed bill from the Senate entitled "an act relating to the duties of the Judges of the county courts," Mr. Bridges moved to amend the bill adding thereto an additional section which was carried. It was then laid on the table.

Engrossed bill entitled an act to alter the time of holding the county court of Montgomery county, was laid on the table until tomorrow.

Engrossed bill entitled "an act to provide for taking depositions in certain cases," was read a third time, and the question being put, shall this bill pass?

it was determined in the affirmative. Yeas 35—nays 17. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Acklen, Anderson, Bradford, Brown, Broadnax, Bridges, Council, Collier, Conner, Davis, Dennis, Duke, Ellis, Harris, Jack, Lawler, Martin, Massey, McRae, of Frank, Moore, of Jack, Perkins, Price, Richardson, Russell, Sargent, Sharp, Smith, of Clarke, Smith, of mad, Taylor, Terry, Wainwright, Ward, Willis, and Wiggins—35.

Those who voted in the negative are,

Messrs. Bell, Colgan, Cropwood, Craig, Daniel, Darrett, Edmondson, Forrest, Gilly, of Lind, Moore, of mad, Rainey, Rather, Ross, Robertson, Stone, Vaughan, Vining—17.

Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate was taken from the table, read a third time and passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act relating to the duties of the Judges of the county courts, was taken from the table. Mr. Lawler moved to amend the bill with the following: "it will in fifteen days after such bill is read a third time," which was carried. It was then ordered to be read a third time tomorrow.

A bill to be entitled "an act to better to provide for the trial of the right of property, and for other purposes." Mr. Martin moved to amend the bill by striking out the 11th section, which was carried. Mr. Terry moved to strike out the latter part of the section, which relates to comparisons in chancery, &c. which was carried. Mr. Collier moved to amend the section by way of proviso, which was carried; it was then ordered to be engrossed for a third reading tomorrow. And then the House adjourned until half past 6 o'clock this evening.

NEXT Session, half past 6 o'clock.

The House met pursuant to adjournment.

Mr. Gresham from the committee of conference appointed by both branches of the Legislature, on the disagreement between the two Houses, to the amendment made by the House of Representatives to the bill entitled "an act to organize and establish a circuit court in Dale county, and to arrange the counties of the first, second, and sixth Judicial circuits." Reported an amendment made by the committee to the amendment made by the House of Representatives; which was concurred in by the House.

Engrossed joint memorial to the Congress of the United States, asking permission for the Trustees of the University of Alabama, to select other lands in lieu of those herein mentioned; was read a third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr. Lyon.

MR. SPEAKER:—The Senate have adopted the following resolution: in which they ask your concurrence: *Resolved* that with the concurrence of the House of Representatives, the two Houses will assemble this evening at 7 o'clock, to elect two Trustees for each Judicial circuit, commencing at the first, and ending at the seventh. The Senate concur with the committee of conference appointed on the disagreement between the two Houses in relation to the amendment made by the House to the bill entitled "an act to organize and establish a circuit court in Dale county, and to arrange the counties of the first, second, and sixth Judicial circuits."

On motion of Mr. Moore of Jack. *Resolved* that the Senate be informed that the House is now ready to receive them to proceed to the election of a Judge and Solicitor for the 7th Judicial circuit, and Trustees of the University for the different circuits, and that the east end of the Hall is prepared for their reception.



The Senate having repaired to the Hall of the House of Representatives both Houses then proceeded to the election of a Judge of the seventh Judicial Circuit in this State. **Sen. L. Perry, Argyle Campbell and Harry I. Thornton** being in nomination, The votes stood thus.

For **Mr. Perry**, 27.—**Mr. Campbell**, 24.—**Mr. Thornton**, 28.

Those who voted for **Mr. Perry** are, messrs. **Ashe, Brown Evans Irwin Jones Shackleford Silveau**. Rep's. messrs. **Bradford Brown Bonnell Clark Collier Conner Craig Dennis Duke Ellis Forrest Harris Jack Martin Massey Sharp Turner Vaughan Walcott and Weisinger**.

Those who voted for **Mr. Campbell** are, messrs. **Casey Hubbard Mc'Camy Moore Skinner**. Rep's. **Anderson Brounace Bridges Copwood Davis Greening Higgins Kelly McVay of Land. McRae of Frank Moore of Jack Price Russell Sargent Smith of C. Terry Walker Ward Wiggins**.

Those who voted for **Mr. Thornton** are, Messrs. **President, Barton, Crabb Earle Jackson Merriwether Miller Powell**. Rep's. **Mr. Speaker, Acklen Bell Brown Coggin Cook Daniel Durrett Edmondson Luther Lewis Moore of Madison Perkins Rainey Ratner Richardson Ross Robertson Smith of Madison Stone and Young**. neither of the persons in nomination having received a majority of the whole number, the two houses proceeded to vote a second time for Judge of the 7th Circuit the same persons in nomination.

The votes stood thus: For **Mr. Perry** 27, **Mr. Campbell** 24, **Mr. Thornton** 28.—Those who voted for **Mr. Perry** are the same that voted for him the first time.

Those who voted for **Mr. Campbell** are the same that voted for him the first time.

Those who voted for **Mr. Thornton** are the same that voted for him the first time, neither of the persons in nomination having received a majority of votes the two houses proceeded to vote a third time for Judge of the seventh circuit.

The vote stood thus:—For **Mr. Perry** 35.—**Mr. Campbell** 24.—**Mr. Thornton** 30.—Those who voted for **Mr. Perry** are, messrs. **Ashe Brown Evans Irwin Jones Shackleford Skinner Silveau**. Rep's.—messrs. **Bradford Bonnell Clark Collier Conner Craig Dennis Duke Ellis Forrest Harris Jack Martin Massey Sharp Turner Vaughan Walcott and Weisinger**.

Those who voted for **Mr. Campbell** are, messrs. **Casey Hubbard Mc'Camy Moore Skinner**.—Rep's. **Anderson, Brounace, Bridges, Copwood, Davis Greening Higgins Kelly McVay of Land. McRae of Frank Moore of Jack Price Russell Sargent Smith of C. Terry Walker Ward and Wiggins**.

Those who voted for **Mr. Thornton** are, **Mr. President, Barton Crabb Earle Jackson Jones Merriwether Miller, Powell**.—Rep's.—**Mr. Speaker, Acklen Bell Brown Coggin Cook Daniel Durrett Edmondson Luther Lewis Moore of Madison Perkins Rainey Ratner Richardson Ross Robertson Smith of Madison Stone and Young**. neither of the persons in nomination having received a majority of the whole number of votes the two Houses proceeded to vote the 4th time for a Judge of the seventh circuit—the name of **Mr. Campbell** being withdrawn.

For **Mr. Perry**, 43.—**Mr. Thornton** 35.

Those who voted for **Mr. Perry** are, messrs. **Ashe Brown Evans Hubbard Irwin Jones Moore Shackleford Skinner Silveau**.—Rep's. messrs. **Anderson Bradford Brounace Bonnell Clark Collier Conner Craig Dennis Duke Ellis Forrest Greening Harris Higgins Jack Kelly Martin McVay of Land. Massey McRae of Frank Moore of Jack Price Sargent Sharp Turner Terry Vaughan Walker Walcott Ward Weisinger and Wiggins**.

Those who voted for **Mr. Thornton** are, **Mr. President, Barton, Crabb, Earle Jackson Mc'Camy Merriwether Miller, Powell**. Rep's. **Mr. Speaker**

Acklen Bell Brown Bridges Colgin Cook Coopwood David Davis Darrett  
Eaton for Lewis Le cis Mc Rae of mad. Perkins Rainey Rather Richardson  
Ross Thomas n Russell Smith of C. Smith of mad. Stone and Vining

Sam L. Perry having received a majority of the whole number of votes was declared by Mr. Speaker to be duly elected Judge of the seventh Judicial Circuit in this State.

The two Houses then proceeded to elect a Solicitor for the seventh Judicial circuit Ambrose Rose, David G. Liggins and James Davis being in nomination.

The votes stood thus:—For Mr. Davis, 44.—Mr Liggins 18.—Mr Rose 17.

Those who voted for Mr Davis are, Ashe Casey Crabb Evans Hubbard Lewin Jones McCaney Shaskiford Skinner, Rep's.—Mr. Speaker, Acklen Bell Bradford Brown Broadnax Bridges Coopwood Davis, Deans, Darrett Duke Edmondson Greening Higgins Lawler Martin McVay of Land. Massey McRae of Frank. Moore of Jack. Price Robertson Russell Sargent Sharp Smith of mad. Terry Vaughan Vining Walker Ward Weisinger & Wiggins.

Those who voted for Mr Liggins are, Mr. President, Barton, Earle Jackson Jones McCaney Powell—Rep's. Anderson Broadwell Colgin Collier Daniel Harris Lewis Perkins, Rainey, Ruffin, Ross, Tarver, and Walthal.

Those who voted for Mr. Rose are, messrs. Brown Merriwether, Miller, Moore Sullivan, Rep's. Clark Conner Cook Craig Ellis Forrest Jack Kelly Moore of mad. Richardson Smith of Clark and Stone.

Jones Davis having received a majority of the whole number of votes was declared by Mr. Speaker, to be duly elected Solicitor of the seventh Judicial circuit in this State.

The two houses then proceeded to the election of two Trustees of the University from the first judicial circuit.

Samuel W. Oliver, John Elliott, Henry H. B. Hays, & D. R. W. McRae, being in nomination. The votes stood thus:—For Mr. Oliver 74.—Mr. Elliott 42.—Mr Hays 36.—Mr McRae, 12.

Those who voted for Mr. Oliver are, Mr. President, Ashe, Barton, Brown Casey Crabb Earle Evans Hubbard Lewin Jackson Jones McCaney Merriwether Miller Moore Powell Skinner.—Rep's. messrs. Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell, Colgin, Collier Conner Cook Craig Daniel Davis Dennis Darrett Duke Ellis Edmondson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin McVay of Land. Massey McRae of F. Moore of Jack. Moore of mad. Perkins Price Rainey Rather Richardson Ross, Robertson Russell, Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Elliott are, Mr. President, Ashe, Barton, Brown Earle Irwin Jackson Jones Merriwether Miller Moore, Skinner Sullivan Rep's. Acklen, Anderson Bell, Bradford Brown, Clark Colgin, Collier Cook Coopwood Craig Dennis Darrett Edmondson Harris Jack Kelly Lawler McVay of Land. Perkins Price Rainey Rather Richardson Ross Robertson Sharp, Stone and Terry.

Those who voted for Mr. Hays are, messrs. Casey, Evans, Hubbard, McCaney Powell and Sullivan. Rep's. Broadnax, Clark, Conner Coopwood Daniel Duke Ellis Forrest Higgins, Massey, Moore, of J. Russell, Sargent Smith of mad. Vaughan Vining Walthal, Ward, Weisinger, and Wiggins.

Those who voted for Mr. McRae are, Mr. Crabb. Rep's. Bridges, Bonnell, Davis, Greening, Lewis, Martin, McRae, of F. Moore, of mad. Smith of C. Tarver and Walker.

Samuel W. Oliver and John Elliott having received a majority of the whole number of votes were declared by Mr. Greening acting as speak.

er to be duly elected Trustees from the first Judicial Circuit of this State.

The two Houses then proceeded to elect two Trustees of the University from the second Judicial Circuit.

Dr. George Phillips, Dr. Thomas Casey and Belling Hall Esq. being in nomination.

The votes stood thus. For Dr. Phillips 61.—for Hall 48.—Dr. Casey 46.

Those who voted for Dr. Phillips are, Mr. President, Ashe, Barton, Brown Crabb Crabb Evans Hubbard Lewis Jones M'Curry Merriwether Miller Moore Powell Skinner Sullivan—Rep's. Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Coggin Collier Cooper Cook Craig Davis Dennis Dorrett Duke Ellis Edmondson Forrest Harris Jack Kelly Lawler Lewis Martin M'Way of Land. Massey Moore of mad. Perkins Price Rainey Richardson Ross Robertson Sargent Sharp Stone Tarver Terry Vaughn Vining Walker Wallat Weisinger and Wiggins.

Those who voted for Mr. Hall are, Mr. President, Barton Crabb Evans Hubbard Lewis Jones M'Curry Merriwether Miller Moore Powell Skinner Sullivan—Rep's. Mr. Speaker Acklen Anderson Bradford Brown Bridges Bonnell Clark Coggin Collier Cooper Cook Chopwood Craig Daniel Davis Dorrett Ellis Dennis Greening Harris Higgins Jack Kelly Lawler Lewis Martin M'Way of Land. Massey M'Ra of F. Moore of J. Moore of mad. Price Rainey Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughn Vining Walker Wallat Ward and Weisinger.

Those who voted for Dr. Casey are, Messrs. Ashe Brown Crabb Evans Hubbard Lewis Jones M'Curry Merriwether Miller Moore Powell Skinner Sullivan—Rep's. Mr. Speaker Acklen Anderson Bradford Brown Bridges Bonnell Clark Coggin Collier Cooper Cook Chopwood Craig Daniel Davis Dennis Dorrett Duke Ellis Edmondson Greening Harris Higgins Kelly M'Way of Land. Massey M'Ra of F. Moore of J. Moore of mad. Price Rainey Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Vaughan Vining Walker Wallat Weisinger and Wiggins.

Dr. George Phillips and Belling Hall having received a majority of the whole number of votes were declared to be duly elected Trustees of the University from the second Judicial Circuit of this State.

The two Houses then proceeded to elect two Trustees from the third Judicial Circuit. Jack Sharpley, Dr. R. Field & John F. Forrest being in nomination. For Mr. Sharpley 71 votes.—for Field 47.—for Forrest 26.—Those who voted for Mr. Sharpley are, Mr. President, Ashe, Barton Brown Casey Crabb Crabb Evans Hubbard Lewis Jackson Jones M'Curry Merriwether Miller Moore Powell Skinner Sullivan—Rep's. Mr. Speaker Anderson Bell Bradford Brown Bridges Bonnell Clark Coggin Collier Cooper Cook Chopwood Craig Daniel Davis Dennis Dorrett Duke Edmondson Greening Harris Higgins Jack Kelly Lawler Lewis M'Way of Land. Massey M'Ra of F. Moore of mad. Price Rainey Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughn Vining Walker Wallat Ward and Weisinger.

Those who voted for Mr. Field are, Mr. President Barton Casey Crabb Evans Hubbard Lewis Jackson M'Curry Merriwether Miller Moore Powell Skinner Sullivan—Rep's. Mr. Speaker Acklen Brown Broadnax Clark Coggin Collier Cooper Cook Daniel Ellis Harris Jack Kelly Lawler Lewis Martin Moore of J. Moore of mad. Perkins Rainey Richardson Ross Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughn Vining Wallat Weisinger and Wiggins.

Those who voted for Mr. Forrest are, Messrs. Ashe Brown Evans Jones. Rep's. Messrs. Acklen Anderson Bell Bradford Bridges Bonnell Chopwood Craig Davis Dennis Dorrett Duke Ellis Edmondson Greening Higgins Martin M'Way of Land. Massey M'Ra of F. Moore of J. Perkins



Price Rather Robertson Russell Sargent Terry Vaughan Walker Ward and Wiggins. Jack Shackelford and Bunc R. Field having received a majority of votes were declared to be duly elected Trustees of the University from the 3d Judicial Circuit.

The two Houses then proceeded to elect two Trustees from the 4th Judicial Circuit Gen. John Coffee Nicholas Davis James Jackson and David Hubbard being in nomination. For Gen. Coffee 56 votes.—Mr. Davis 41.—Mr. Jackson 53.—Mr. Hubbard 40.

Those who voted for Mr. Coffee are, messrs. Casey Crabb McCamey Miller Moore Sullivan, Rep's. Anderson, Bell, Brown, Bridges, Clark, Conner Coopwood Craig Dennis Durrett Duke Ellis Edmondson Forrest Greening Higgins, Kelly, Lawler, McVay, of Land, Moore, of J. Moore of mad. Rather Robertson Sargent Smith of mad. Vaughan, Walker Ward Weisinger and Wiggins.

Those who voted for Mr. Davis are, messrs. Ashe, Barton, Brown, Crabb Earle Evans Jones Merriweather Powell and Shackelford, Rep's. Mr. Speaker Acklen Bell Bradford Broadnax, Bonnell, Colgin, Collier Cook Davis Edmondson Harris Jack Lewis, Lewis, Martin, Mussey, Perkins Price Rainey Richardson Ross Robertson Russell Sharp, Smith of C. Stone Tarver Terry Vining and Walmsley.

Those who voted for Mr. Jackson are, messrs. Ashe, Barton, Brown, Earle Irwin Jones Merriweather Powell Shackelford, Rep's. Mr. Speaker, Broadnax Bonnell Colgin, Collier, Conner, Cook, Daniel, Durrett, Forrest, Harris Jack Lewis Martin, McRae, of F. Perkins Rainey, Richardson Ross Sharp Stone Tarver Vining and Walmsley.

Those who voted for Mr. Hubbard are, messrs. Casey Evans Irwin, McCamey, Miller, Moore, Sullivan, Rep's. Acklen, Anderson, Broadnax, Brown Bridges Clark Coopwood Craig Daniel Davis Dennis Duke, Ellis Greening Higgins Kelly McVay of Land, Casey McRae, of Fick, Moore of J. Moore of mad. Price Rather Russell, Sargent, Smith of C. Stone Tarver Terry Vaughan Walker Vining, Weisinger, and Wiggins.

Nicholas Davis and David Hubbard, having received a majority of votes were declared to be duly elected Trustees of the University from the fourth Judicial Circuit.

The two Houses then proceeded to the election two Trustees of the University from the fifth Judicial circuit.

Dr. Henry W. Rhodes, Dr. Thomas Fearn, Dr. David Moore and Mr. Acklen, being in nomination.

For Dr. Rhodes 4.—Dr. Fearn 37.—Dr. Moore 10.—Mr. Acklen 31.

Those who voted for Dr. Rhodes are messrs. Ashe Brown Casey Crabb Evans Hubbard Merriweather Moore Sullivan Rep's. Mr. Speaker, Bell, Bradford Brown Bridges Bonnell Clark Conner Coopwood, Craig Daniel, Davis Dennis, Durrett Ellis, Edmondson, Forrest, Greening, Higgins, Lawler Lewis McVay of Land, Casey McRae of F. Rather, Robertson, Sargent Sharp Terry Vaughan Vining Weisinger and Wiggins.

Those who voted for Dr. Fearn are, messrs. Ashe Brown Casey Crabb Brown Earle Irwin Jackson Merriweather Powell and Shackelford, Sullivan, Rep's. Mr. Speaker, Anderson, H. H. Broadnax, Bonnell, Collier, Conner, Craig Dennis Durrett Edmondson, J. H. Lawler, Lewis, Martin, Moore, of mad. Perkins, Rainey, Richardson, Ross, Robertson, Smith of mad. Tarver and Vining.

Those who voted for Dr. Moore are, Mr. President, Barton Earle Evans Jones McCamey Miller Moore Powell Shackelford, Rep's. Broadnax, Collier Colgin Davis Harris Jack Kelly Martin, Moore, of J. Moore, of mad. Perkins Price Rainey Richardson Ross Russell Sharp Smith of C.

Smith of mad. Stone Tarver Terry Vining Walthal Weisinger Wiggins. Those who voted for mr. Acklen are, messrs. Casey. Hubbard. Irwin, mc'Casey. Rep's Anderson, Bradford, Brown, Bridges, Clark, Colgin, Cook Coopwood Daniel Ellis Forrest Greening Higgins Kelly mc'Vay of Laud. Massey mc'Rae of F. Moore of J. Pri. e. Rather, Russell, Sargent, Stone Vaughan Walker Walthal and Ward.

Dr. Henry Rhodes having received a majority of the whole number of votes was declared to be duly elected a Trustee of the University from the 5th Judicial Circuit.

The two houses then proceeded to vote the second time for another Trustee from the fifth Judicial Circuit.

The vote stood thus:—Dr. Fearn 36.—Dr. Moore 20.—mr Acklen 19.

Those who voted for Dr. Fearn are, mr. President, Ash Barton Brown Crahh Earle Irwin Jackson, Merriwether, Miller, Powell, Shackelford, Sullivan.—Rep's. Bell Brown, Bridges, Bonnell, Collier, Conner, Coopwood Craig Dennis Durrett Edmondson Lawler Lewis Martin mc'Vay, of Laud. Moore of mad. Rather Richardson Ross Robertson Smith of Laud. Vaughan and Vining.

Those who voted for Dr. Moore are, Messrs. Evans Hubbard Jones mc'Casey Moore Rep's. mr. Speaker, Broadnax Davis Harris Jack Perkins Price Rainey Russel Sharp Smith, of C. Tarver, Terry, Weisinger, and Wiggins.

Those who voted for mr. Acklen are, mr. Casey. Rep's. Anderson, Bradford Clark Colgin Cook Daniel Ellis Greening Higgins Kelly Massey mc'Rae of F. Moore of J. Sargent Stone Walker Walthal and Ward.

Neither of the persons in nomination having received a majority of the whole number the two houses proceeded to vote a third time for a Trustee of the University from the fifth circuit, the name of mr. Acklen being withdrawn.—For Dr. Fearn, 48.—Dr. Moore. 31.

Those who voted for Dr. Fearn are, mr. President Ashe Barton Brown Crahh Earle Irwin Jackson Jones Merriwether Miller Powell Shackelford Sullivan.—Rep's. Anderson Bell Bradford Bridges Bonnell Collier Conner Cook Coopwood Craig Daniel Dennis Durrett Edmondson Higgins Lawler Lewis Martin mc'Vay of Laud. Moore of mad. Rather Richardson Ross Robertson Sargent Smith of mad. Vaughan and Vining.

Those who voted for Dr. Moore are, messrs. Casey Evans Hubbard mc'Casey Moore. rep's. mr Speaker. Broadnax Clark Colgin, Davis, Ellis, Greening Harris Jack Kelly Massey mc'Rae of F. Moore of J. Perkins Price rainey russell Sharp Smith of C. Stone, Tarver, Terry, Walthal, Ward Weisinger and Wiggins.

Dr. Thomas Fearn having received a majority of votes was declared to be duly elected a Trustee from the fifth Circuit.

The two houses then proceeded to elect two Trustees of the University from the sixth Judicial circuit.—Dixon H. Lewis and Nimrod E. Benson, being in nomination.

Those who voted for messrs. Lewis and Benson are,—mr. President, Ash, Barton, Brown, Casey, Crahh, Earle, Evans, Hubbard, Irwin, Jackson Jones mc'Casey Merriwether Miller Moore Powell Shackelford.—reps. mr Speaker, Acklen Anderson Bell Bradford Brown Broadnax Bridges Bonnell Clark Colgin Collier Conner, Cook. Coopwood, Craig, Daniel Davis Dennis Durrett Duke Ellis Edmondson, Greening, Harris, Higgins Jack Kelly Lawler Martin, mc'Vay, of Laud. Massey, mc'Rae of F. Moore of J. Moore of mad. Perkins, Rainey, Rather, Richardson, Ross, Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Walker Walthal Weisinger and Wiggins.

Dixon H. Lewis, and Nimrod E. Benson were therefore declared to be duly elected Trustees of the University from the sixth Judicial circuit. The two houses then proceeded to elect two Trustees from the seventh Judicial circuit.

Thomas Wooldridge Quin Morton & Jesse Vanhoush being in nomination For Mr. Vanhoush, 58—Mr. Morton, 43—Mr. Wooldridge, 34.

Those who voted for Mr. Vanhoush are Mr. President Ashe Norton Brown Casey Earle Hubbard Irwin Jackson McCalmy Merriweather Miller, Moore, Powell Shackleford Sullivan, Rep's, Mr. Speaker, Acklen, Anderson, Bell, Bradford Brown Broadnax Bridges Bunnell Clark, Colgin, Collier, Conner, Cook Coopwood Craig Daniel Davis Dennis Duke Ellis Edmondson Greening Higgins Jack Kelly Lawler Lewis Martin McVay of Land, Massey Moore of J. Perkins Rainey Rather Richardson, Robertson, Russell Sargent, Sharp, Smith of C. Smith of mad. Stone Tarver Terry Vining Walker Walshall Weisinger and Wiggins.

Those who voted for Mr. Morton are, Mr. President, Barton Brown, Earle, Jackson, Jones, McCalmy, Powell, Shackleford, Rep's, Mr. Speaker, Bell, Broadnax Bunnell Colgin, Collier, Cook, Craig, Davis, Darrett, Edmondson, Harris Jack Lawler Lewis Martin McRae, of F. Perkins, Rainey, Rather, Richardson Ross Robertson Russell Sharp Stone Smith of mad. Tarver Terry Vaughan Walshall Weisinger and Wiggins.

Those who voted for Mr. Wooldridge are, messrs. Ashe Casey Earle Hubbard Irwin Merriweather Miller, Moore Sullivan—Rep's, Acklen Anderson, B. B. Bradford Brown Bridges Clark Conner Coopwood Daniel Dennis Duke Ellis Edmondson Greening Higgins Kelly McVay of Land, Massey McRae of F. Moore of J. Moore of mad. Sargent Smith of C. Vaughan Vining and Walker.

Jesse Vanhoush and Quin Morton having received a majority of the whole number of votes, were declared by Mr. Speaker, to be duly elected Trustees of the University from the seventh Judicial circuit. The elections being completed, the Senate withdrew; and the House adjourned until tomorrow morning half past 9 o'clock.

THURSDAY, January 10, 1823.

The House met pursuant to adjournment.

Mr. Greening from the Judiciary committee to which was referred a bill to be entitled an act to declare in what manner pardons and reprieves shall be granted, and fines and forfeitures remitted, reported the bill without amendment. Mr. Forrest moved that the further consideration of the bill be indefinitely postponed; which was carried.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to authorise John G. Creagh to bring into this state the slaves of his wards Anne D. Houze and James Houze, and for other purposes; an act to amend an act entitled an act to provide for the printing of the Laws and Journals, and for other purposes, passed 25th December 1822, which originated in the Senate; also an act for the relief of David M. Farlane; an act to authorise the Judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax; an act to change the names of certain persons therein named; an act to regulate the inspection of Tobacco in this state: all of which originated in this House.

Mr. Greening from the Judiciary committee to which was referred the bill entitled an act regulating Judicial proceedings, reported the same without amendment: it was then ordered to be read a third time.

Mr. Greening from the Judiciary committee to which was referred the bill entitled an act to amend the fifth section of an act regulating Judicial



proceedings, passed December 18th 1811, reported the bill without amendment. The bill was then laid on the table on motion of Mr. Collier. Mr. Greening from the Judiciary committee to which was referred the bill entitled an act for the relief of appearance bail, reported the bill without amendments and the question being put, shall this bill pass, it was determined in the negative.

Mr. Greening from the Judiciary committee to which was referred the bill entitled an act for the liability of indorsers and for other purposes, reported the bill without amendment. Mr. Kelly moved to amend the bill by way of provision which was adopted, it was then ordered to be read a third time and passed.

Mr. M'Rae of Frank, from the select committee to which was referred the memorial annexed and asking for its object the improvement of the navigation of Collier's river, on the James river, ask leave to be discharged from the further consideration of the subject; which was granted.

Mr. Clark from the select committee to which was referred the bill entitled an act to annex additional territory to Smith county so as to make the same constitutional, reported the same without amendments also the same committee to which was referred the petition and remonstrance of sundry citizens of said county remonstrating against the annexation of the territory in said bill, ask leave to be discharged from the further consideration of the same, which was granted. The petition was then laid on the table. Mr. Clark moved that the bill lie on the table till the first day of the next session, which was carried. Yeas, 37; Nays 15. The yeas and nays being desired, those who voted in the affirmative are:

Mr. Anderson Brown Brown Ex Fidges Ezzel Clark Colgin Corner Cowwood Craig Dasher Davis Dennis Duerett Duke Ellis Edmondson Harris Kelly Lawler McVee of Maine Blaney M'Rae of Frank, Moore J. Peabody Ralney Ratner Richardson Robertson Russell Sargent Smith Stoddard Stone Terry Vaughan Ward and Wiggins—37.

Those who voted in the negative are,  
Messrs. Speaker Bell Collier Forrest Greening Jack Lewis Martin, Moore of Ind. Perkins Ross Sharp Walker Walsh and Weisinger—15.

A message was received from the Governor by James L. Thornton, Secretary of state, which was handed in at the Speaker's chair; and then he withdrew.

EXECUTIVE DEPARTMENT, January 8, 1823.

*The Honorable the Speaker and  
Members of the House of Representatives:*

GENTLEMEN:—I beg leave to return with the negative of this department the bill which originated in your honorable body, entitled an act altering the mode of punishing forgery and counterfeiting in certain cases; as this course is pursued at all times with reluctance, it is no less congenial with my private feelings, than require by public duty, to assign briefly the reasons of my dissent. The present law which makes forgery a capital crime, might seem at first view, to be of a sanguinary character; but more liberal reflection on the nature of the offence, and the necessity of an effectual suppression of it by the highest penal sanctions, might lead to a change of opinion. Any law which more effectually prevents the commission of crime, however fearful its sanctions may seem in its operations, is more merciful and mild than that law which invites violation by the feeble and inadequate inducements which tend to preserve it. It is equally, at least, and perhaps far more important to ap-



in the county therein named and for other purposes; passed December 25, 1824, as far as the same applies to the county of Autauga, and for other purposes; an act to authorise Wyatt Harper, administrator of William Gates deceased, to sell and transfer real estate; an act to place a certain road therein named, under the control of the commissioners' court of revenue and roads of Shelby county; an act to establish a road from Mr. Murray's old saw mill, on the Shades creek in Jefferson county, to Chas. Manaline's, in Shelby county; an act providing for the election of a sheriff in Blount county and for other purposes; an act relative to the estate of Isaac Edwards, late of Conecuh county, deceased; an act to authorise the commissioners of revenue and roads of Shelby county to levy a special tax, and for other purposes; an act to divorce James Pharr from Mary Pharr; an act to repeal in part and amend an act entitled an act respecting slaves; passed March 6th, 1805; an act to repeal in part and amend an act entitled an act to establish a certain road therein designated; an act to provide for the establishment of the permanent seat of justice, in the county of Walker; an act for the benefit of the estate of Daniel Davis deceased, late of Monroe county; an act to amend an act incorporating the town of Athens. And then he withdrew.

*Ordered* that Mr. Clarke have leave of absence for the remainder of the session.

*Ordered* that the House concur in the amendments made by the Senate to the bill authorising a lottery for the purpose of establishing a free school on the Lancasterian plan of tuition in the town of Huntsville; and the purchasing a clock for the use of said town, by adding thereto sundry additional sections; and by amending the title of the bill with the words "and incorporating the Poplar Spring Academy in Morgan county."

Engrossed bill from the Senate entitled an act to authorise Mahala Farrar to emancipate a male slave named Patience, was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

Mr. Kelly from the committee on ways and means to which was referred a bill to be entitled "an act to alter and amend the laws respecting the assessment of taxes, and for other purposes." *Reported* the same with the following amendment: by striking out sums and dates in several places, to leave blanks to be filled on the third reading; and also by striking out the 4th section and inserting several other sections in lieu thereof. Mr. Walker moved to amend the bill by way of proviso; which was carried. Mr. Greening moved that it lie on the table till the first day of June next; which was carried.

Mr. Brown presented the petition of Levi Robins, praying compensation for apprehending a criminal; which was read and referred to the committee on propositions and grievances.

Mr. Bridges made the following report: The select committee to which was referred that part of the Governor's message which relates to agriculture, accompanied by a letter from General Lafayette, and a letter from Doct. Morbot de Crun-as, a Swiss gentleman, who proposed settling with a small colony, in some part of the southern states. *Report* that they have not had time or opportunity to bestow that consideration upon this subject which its importance demanded. They are of opinion, however, that at present it is premature to organize or adopt by legislative enactment, any general system in relation to this subject; yet it is believed to be expedient to encourage the introduction and cultivation of new staples, to the growth of which our soil and climate is believed to be



highly adapted; both from experiments which have been made by distinguished cultivators in South Carolina and Georgia, as well as by some enterprising citizens of our own state. The settlement of some thousands and enterprising European emigrants, who are skilled in the culture of the vine, the olive, and other articles, to the growth of which our climate is thought to be highly favorable, would doubtless prove highly beneficial to our county, by giving to the cultivation of those commodities at once a maturity and vigor, which our citizens would otherwise have to acquire by years of labor and experience. I am, therefore, instructed by the committee, to recommend the adoption of the following resolution: *Resolved* that his Excellency the Governor be requested to improve any opportunity which may offer, for the encouragement of enterprising European emigrants who may wish to settle in this state, for the purpose of introducing the culture of the vine, the olive, or other new articles, in which report the House concurred, and the resolution was adopted by the House.

Mr. Kelly obtained leave to introduce a bill to be entitled "an act to regulate the mode of organising the Senate and House of Representatives at the commencement of each session;" which was read a first time, and the rate requiring bills &c. to be read on three several days being dispensed with, it was ordered read a second time tomorrow and ordered to be engrossed for a third reading tomorrow.

Engrossed bill entitled an act to amend and establish certain regulations and previsions therein mentioned; was read a third time. Mr. Moore moved to amend the bill by way of engrossed copy; which was carried; then, on motion of Mr. May laid on the table till 5 o'clock this evening. Engrossed bill entitled an act to alter the time of holding the county courts of Montgomery county, was laid on the table until 5 o'clock this evening.

Engrossed bill from the Senate, entitled an act to provide for the speedy collection of debts due to the banks of the state of Alabama; was read a first time and ordered to be read a second time tomorrow.

A bill to be entitled an act making appropriations for the year 1823, was laid on the table until three o'clock this evening.

Engrossed bill from the Senate entitled an act to change the times of holding the county courts of Jefferson, Henry, and Hale counties, was read a second time and referred to a select committee consisting of Messrs. Dennis, Forrest, and Ward. And then the House adjourned until half past 2 o'clock this evening.

EVENING SESSION, half past 2 o'clock.

The House met pursuant to adjournment.

Engrossed bills on the following titles, to wit: an act for extending the time granted to John Fowler for running a ferry boat and a row boat or sail boat between the city of Mobile and the town of Dauphin, by an act passed December 26th, 1822; an act relative to volunteer companies in the militia of this state and for other purposes; an act supplementary to the several acts now in force in relation to public weighers of cotton in the city of Mobile; joint resolution proposing amendments to the constitution of the United States; an act to reduce into one, the several acts giving fees to justices of the peace and constables, were severally read a third time and passed. Ordered that the titles be as above said. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled an act to authorise the Governor to cause bonds taken for public arms to be renewed, and for the distribution of the pub-







bill by way of engrossed ryder; which was carried. Mr. Ross moved to amend the bill by way of engrossed ryder; which was adopted. Mr. Cook moved to amend the bill by way of engrossed ryder; which was carried; the bill was then passed. Ordered that the title be as aforesaid. Ordered that the clerk acquaint the Senate therewith.

Mr. Ellis, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson, passed December 20th, 1820; and an act for the relief of Wyatt Cheatham; which originated in the Senate; also an act to define the corporate limits of the town of Sparta, in Conecuh county, and for other purposes; and a joint resolution declaring the expiration of the office of the present trustees of the University of the state of Alabama; which originated in this House.

A bill to be entitled an act providing for the payment of Solicitors, for prosecuting to conviction, slaves charged with capital offences. Mr. Terry moved to amend the bill by adding after the word "said," the words "out of the fund provided for the payment for slaves punished capitally;" which was carried. Mr. Greening moved to amend the bill by way of proviso; which was carried; it was then ordered to be engrossed for a third reading tomorrow.

A bill to be entitled an act making appropriations for the year 1828 was then taken up. Mr. Jack moved to amend the bill by way of section; which was laid on the table; the bill was then ordered to be engrossed for a third reading tomorrow.

Mr. Greening offered the following: *Resolved* that the entire report including the testimony of the select committee appointed to investigate the charges preferred against the honorable Abner S. Lincoln by George F. Stelle Esq. be entered on the Journals of this House. Mr. Ross moved to amend the resolution by striking out all after the word *resolved*, with a view to insert the following: that the Journals and proceedings of the committee appointed by this House to investigate the official conduct of the honorable Abner S. Lincoln; and all the evidence introduced in said investigation, be considered as part of the Journals of this House, and be so published by the public Printer, in its proper place. The question was then put on the adoption of the resolution as amended, and lost. Yeas 25—nays 29. The yeas and nays being desired, those who voted in the affirmative are:

Messrs. Russell Colgin Collier, Conner, Daniel, Greening, Harris, Higgins, Jack, Kelly, Lewis, Martin, M'Rae of Frank, Moore of Jack, Moore of mad, Perkins, Rainey, Rather, Ross, Russell Smith of mad, Stone, Vaughan, Walthal and Wiggins—25.

Those who voted in the negative are:  
Messrs. Speaker, Acklen, Anderson, Bell, Bradford, Brown, Broadnax, Bridges, Cook, Cowdon, Craig, Davis, Dennis, Dorrett, Duke, Ellis, Edmondson, Forrest, McVay of Lind, Masser, Richardson, Robertson, Sargent, Sharp, Smith of, Clarke, Terry, Walker, Ward, and Weisinger—29.

On motion of Mr. Anderson, *Resolved* that with the concurrence of the Senate, the two Houses will on Friday the 11th instant, at half past six o'clock assemble in the Representatives Hall, for the purpose of going into the election of a President of the Bank of the state of Alabama, and twelve Directors for the next year. And then the House adjourned until tomorrow morning at 10 o'clock.

FRIDAY, JANUARY 11th, 1828.

The House is pursuant to adjournment.  
Engrossed bill from the Senate carried, an act for the relief of John P. ...  
The House is pursuant to adjournment.

with an act more effectually to prevent frauds and fraudulent conveyances, and for other purposes, which originated in the Senate; also, an act to authorise the county court of Jackson county, to levy an extra tax; an act to authorise the election of a Justice of the peace in the town of Columbia, in Shelby county; an act to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial districts, according to the late census; and an act to divorce James Farr from Mary Pharr, all of which originated in this House.

Engrossed bill from the Senate entitled, an act to provide for the more speedy collection of debts due to the Bank of the State of Alabama in certain cases, was read a second time. Mr. Collier moved to amend the bill by way of section, which was carried. Mr. Terry moved to amend the bill by way of section, which was carried. Mr. Walker moved to amend the bill by way of proviso, which was carried; the bill was then ordered to be read a third time, and the rule requiring bills, &c. to be read three several days being dispensed with, it was then read a third time forthwith and passed: *Ordered* that the title be as aforesaid: *Ordered* that the Clerk transmit the Senate therewith.

Mr. Briggs from the committee of conference, appointed on the part of this House, on the disagreement between the two Houses, on the bill to be entitled, an act concerning the owners and keepers of mills and other water works, asked leave to report, that they have conferred with the committee on the part of the Senate, and have agreed that the House of Representatives, recede from the amendment to said bill, in which report the House concurred.

A message from the Senate by Mr. Lyon:

Mr. Speaker — The Senate has passed a bill which originated in this House entitled, an act concerning the attendance of jurors, in which they desire your concurrence; they have also passed joint resolutions, instructing His Excellency, the Governor, to cause the remains of the late Israel Pickens to be removed from the Island of Cuba, to his late residence in Green county, and have amended the same by striking out all of the preamble after the word whereas, and substituting another preamble in lieu thereof, by amending the first section in the manner here-with shown, and by striking out the 2d resolution, in which they desire your concurrence; they have passed a bill which originated in this House, entitled, an act to authorise the sales of the extra sections, and for other purposes, and have amended the same by striking out all after the enacting clause; and substituting the accompanying amendment, in which they desire your concurrence, and then he withdrew.

Joint resolutions instructing His Excellency, the Governor, to cause the remains of the late Israel Pickens to be removed from the Island of Cuba, to his late residence in Green county, was referred to a select committee consisting of Messrs. Greening Rainey and Russell, to consider and report thereon: *Ordered* that the House concur in the amendments made by the Senate, to the bill entitled, an act to authorise the sales of the extra sections, and for other purposes, by striking out all after the enacting clause, and substituting an amendment in lieu thereof.

The following bills were also introduced, and were referred to the committee on the part of the House, to which they were referred, to consider and report thereon: A bill to amend the act to authorise the sales of the extra sections, and for other purposes, by striking out all after the enacting clause, and substituting an amendment in lieu thereof.

Mr. Martin from the committee on propositions and grievances, to which was referred the petition of John J. Simmons: Reported that it is inexpedient to grant the prayer of the petitioner, on the shewing made by the petition in which report the House concurred.

Mr. Martin from the committee on propositions and grievances, to which was referred the memorial of the Judge and commissioners of roads and revenue of Wilcox county: Reported a bill to be entitled, an act to reimburse to the county treasury of Wilcox county, a sum of money therein mentioned, which has been improperly paid by said county, for keeping State prisoners, which was read a first time, and the rule requiring bill &c. to be read on three several days being dispensed with, it was then read a second time forthwith. Mr. Moore of Ind. moved that the bill lie on the table till the first day of June next, which was carried.

Mr. Stone obtained leave to introduce a bill to be entitled, an act to incorporate the Hibernian Benevolent Society of Mobile, which was read a first time, and the rule requiring bill &c. to be read on three several days being dispensed with, it was then read a second time and considered as engrossed, and the rule requiring bills &c. to be read on three several days being dispensed with, it was then read a third time and passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Mr. Kelly obtained leave to introduce a bill to be entitled, an act to amend and explain an act entitled an act to establish a seventh Judicial circuit, which was read a first time, and the rule requiring bills &c. to be read on three several days being dispensed with, it was then read a second time forthwith, the bill was then considered as engrossed, and the rule being further dispensed with, it was then read a third time and passed: Ordered that the title be as aforesaid: Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate entitled, an act concerning the attendance of jurors, was read a first time, and the rule requiring bills &c. to be read on three several days being dispensed with, it was then read a second time forthwith. Mr. Copwood then moved to amend the bill by way of proviso, which was carried, and the rule being further dispensed with, it was then read a third time and passed: Ordered that the Clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled, an act amendatory of the several acts heretofore passed, in relation to the public revenue of this State, was on motion of Mr. Ross taken from the table. Mr. Ross then moved to amend the bill by way of engrossed rider. Mr. Craig then moved that the further consideration of the bill be indefinitely postponed, which was lost, yeas 15—nays 42.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Anderson Craig Durrett Edmonston, McVay of Law, McVay of Law, McVay of Frank Moore of Ind. (Ind.) Rather Robertson Sargent Smith of Ind. Those who voted in the negative are,

Messrs. Speaker Jackson Bell Richard Brown Broadman Bridges Bonnell Colgin Collier Connor Copwood Daniel Davis DeLois Ellis Forrest Greening Harris Higgins Jack Kelly Lawler Martin Massey Moore of Ind. Paulding Perkins Rainey Richardson Ross Russell Sharp Smith of C. Stone Tarter Terry Vaughan Walther Ward Weisinger and Wiggin, 42.

The amendment proposed by Mr. Ross, was then adopted. Mr. Daniel then moved to amend the bill by way of engrossed rider, which was adopted; and the question being put, shall this bill pass, it was determined in the affirmative, yeas 46—nays 12.

The yeas and nays being desired, those who voted in the affirmative are,



Messrs. Speaker McKen, Anderson, Bell, Bradford, Brown, Broadway, Bridges, Bonnell, Colgin, Collier, Conner, Cook, Cooper, Daniel, Davis, Dennis, Ellis, Forns, Gilman, Harris, Higgins, Jack, Kelly, Lawler, Lewis, Martin, Massey, McHale of Frank, Moore of Jack, Perkins, Rainey, Richardson, Ross, Russell, Sargent, Sharp, Smith of C, Stone, Tarter, Terry, Vaughan, Walther, Ward, Weisinger, and Higgins, 46.

Those who voted in the negative are.

Messrs. Craig, Durrett, Duke, Edmundson, McVay of Loud, McVay of Law, Moore of Loud, Paulding, Price, Rather, Robertson, Smith of Loud, 12.

*Ordered* that the title be as aforesaid: *Ordered* that the Clerk acquaint the Senate therewith.

Mr. Weisinger from the committee of conference, appointed by the House of Representatives, to confer with the committee appointed by the Senate, on an amendment to a bill entitled, an act to amend the charter of the Bank of the State of Alabama: *Reported* that they have had a meeting and that the committee of the House of Representatives have agreed to recommend to the House to recede from their amendment to said bill: *Ordered* that said report lie on the table.

Mr. Kelly made the following report: The select committee to which was referred, so much of the Governor's message, as relates to the boundary line, between this State and Georgia, with instructions to inquire into, and report to the House, the nature and state of the controversy, have had the subject under consideration, and now leave to report that by the articles of session of 1802, the State of Georgia ceded to the United States, all the right title and claim, which the said state had to the jurisdiction, and soil of the lands, situated within the boundaries of the United States, South of the State of Tennessee, and west of a line, beginning on the Western bank of the Chatahoochie River, where the same crosses the boundary line, between the the United States and Spain, running thence up the said River, Chatahoochie, and along the Western bank thereof, to the great bend thereof, next, above the place where a certain creek, or river called Uchee, being the first considerable stream on the western side above the Cassels and Coweta towns, empties into the said Chatahoochie river; thence, a direct line to N. Okajack, on Tennessee river, until 1836 Georgia asserted that the point of departure from the Chatahoochie, was at a small curvature of the river, a little above the mouth of Uchee creek, Alabama has at all times, contended that the true point of departure, was at the great bend, some 60 or 70 miles higher up the river. In point of fact, the Cassels and Coweta towns referred to, to locate the creek, are above the mouth of Uchee. The commissioners indicate, by the cautious phraseology adopted, that there was not entire certainty, as to the name of the creek; in speaking of the Chatahoochie and Tennessee rivers, they do not speak of certain rivers so called, nor of N. Okajack and the Indian towns, or places so called; but on the contrary, as streams and places well known by their names, but as to Uchee, they have not relied on its name to convey their meaning, but speak of it as a certain creek or river called Uchee; and refer to well known Indian towns, to indicate its locality. The creek or river of which they speak, was to enter the Chatahoochie on the west side, and was the first considerable stream above the Cassels and Coweta towns. The fact that Uchee creek, empties into the Chatahoochie below, and not above the towns referred to, and the fact that there is no great bend in the Chatahoochie, sufficiently near the mouth of Uchee, to make them suitable as objects of connected reference, induced Alabama to contend that the name of the creek was mistaken in the article of session; rejecting the name, and relying on the description, there can be little difficulty, in establishing the true point of departure from the Chatahoochie. The object of the parties was to fix a boundary between states, and common description would induce them to prefer a natural, to an artificial boundary, so far as it could be conveniently obtained. There is in fact a great bend in the Chatahoochie, where the River changes its general course, and bears to the South. That feature must have been known to the commissioners, and being known, it was perfectly natural and suitable to adopt that point as the termination of the first line. By that course, a natural boundary would be established from the Florida line, to a point where the artificial line, would no longer coincide with the natural one, but would leave it abruptly and give both states; suitable and convenient form; a man of plain sense, placed at the Florida line, with the articles of session as his guide, would proceed up the river above the Indian towns, before he would look for the creek, above the town, he would find no creek called Uchee, but he would find one answering the description in every other particular, a short distance above the upper Coweta villages: he would find a large creek called Yvarka, and above that the great bend. The towns, the creek, the the bend, all near enough together to be called for as connected, and convenient points of reference, and finding this correspondence in the descriptive calls of the article, he could not controul them all, by the name of the creek, but would suppose that the name had been mistaken, and would fix on the great bend as the point of departure, from the Chatahoochie. These conclusions

seem so natural as to force themselves on any mind disposed to examine the question on non condour. The State of Georgia however, resisted the influence of plain and forcible deductions, and asserted her right to begin the artificial line, at a small point on the river, a little above the mouth of the creek, actually called Uchie, and continued to do so, until the test of the chain and compass, proved the error of the assertion, when the commissioners met at fort Mitchell in July 1826, to settle the disputed boundary, and run the line, the representatives of Georgia would hear of no other point of beginning, but the one they had previously chosen; to get the true bearing to Nickajack, it was necessary to run an experimental line, that line was commenced at the place assumed by Georgia, and run upon the course that it was supposed would strike Nickajack, but which in fact ran a few miles East of it, running upon that course however, to reach the flat shoals, they struck the river and had to make as many as four offsets, to avoid crossing it. This discovery led to the abandonment of Uchie as a beginning and as no point, but the two, had ever been thought of, as a beginning of the artificial line, it was reasonably to be expected that Georgia would yield to the just views of Alabama and agree on the great bend, as the point of departure; but this expectation proved fallacious; the commissioners of Alabama, in order to adjust the dispute, proposed to agree to any point on the curve of the great bend, that chose on the part of Georgia would select and enforce the reasonableness and legality of that proposition by arguments of the most satisfactory character. The Georgia commissioners however rejected the proposition, and assumed a point on the Chatahoochie, called the flat shoals, or Miller's bend, thirty or forty miles below the great bend, as the point to which they would run the true line from Nickajack; against the assumption of that point, the commissioners on the part of Alabama protested, because it had no attribute of the point described in the article, except that it was on the West bank of the Chatahoochie, and in that point not distinguished from any other point on the same stream above the Florida line. It is below the great bend, Ychaika creek, the one obviously described in the articles of cession, and below some of the Coweta villages, and besides all this the artificial line to that point, runs along the margin of the river nearly parallel to its general course, for a considerable distance, perhaps thirty miles. This consideration alone, is full proof, that the point assumed by Georgia, cannot be the true point of departure from the Chatahoochie. The exalted intelligence, and venerated character of the commissioners, who negotiated the cession, forbids the idea that they could have located an artificial point on the margin of a natural one for so great a distance, against the plain import of their own language, tested by the soundest canons of construction; posterity will never convict Messrs. Madison Gallatin and Lincoln, of such egregious folly, upon the mere assumption of any State, however respectable. Against all these considerations, Georgia has permitted herself to assume a point, so utterly untenable, and to run a line from Nickajack to the flat shoals, against the protest of Alabama. Your committee regret that they are unable to view this procedure, on the part of Georgia, in any other light, than a palpable violation of the sovereignty of Alabama. It is true, the Territory thus attempted to be taken from Alabama, is neither extensive nor valuable. The soil is understood to be in main very poor, it is but a few miles wide at the Chatahoochie, and tapers down to a point at Nickajack. These considerations however, cannot vary the question, our sovereignty is as certainly violated, as if the quantity was great and soil good. Georgia has run a line contrary to the article of cession, against which we protested the whole of which is on our Territory, such is the nature of the dispute, and such the state of the controversy.

The same committee reported joint resolutions, in relation to the boundary line, between this State and the State of Georgia, which was read

a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

Engrossed bill entitled, an act supplementary to an act entitled an act to establish a road from Montevideo to Greensborough approved Jan. the 12th 1827. was read a third time and passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence,

Engrossed bill entitled, an act to divorce Thomas J. Snowden from Tabitha Snowden, was read a third time, and the question being put, shall this bill pass, it was determined in the affirmative, the yeas being a constitutional majority voted in favor of its passage, yeas 45 - nays 5.

The yeas and nays being desired. Those who voted in the affirmative are,

Messrs. Speaker A. A. Anderson Beil Bradford B. Boudnax Collier Conner Cook Coopwood Craig Daniel Davis Deans Darrell Duke Ellis Edmonson Forrest Greening Harris Kelly Lewis Martin McVay of Loud. McVay of Low. McRae of Frank. Moore of Jack. Moore of mad. Perkins Price Rainey Rather Ross Robertson Russell Sargent Smith of mad. Stone Farver Terry Vining Walthead Ward and Wiggins, 45.

Those who voted in the negative are,

Messrs. Bridges Higgins Lawler Sharp and Weisinger, 5. *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Craig from the select committee to which was referred the bill from the Senate entitled, an act to amend an act to prohibit the introduction of slaves into this state for sale or hire: reported the same as amended, by adding thereto sundry additional sections. Mr. Terry moved that the bill lie on the table, which was carried.

The Lobby being cleared and the doors closed, Mr. Vining from the committee on the state bank, reported. Mr. Greening moved that the bill lie on the table, which was carried, and then the House adjourned until half past 2 o'clock this evening.

#### EVENING SESSION. HALF PAST 2 o'clock.

The House met pursuant to adjournment.

The lobby being cleared and the doors closed, the report of the Bank committee was taken from the table, and after some time spent in reading a portion of the same, it was again laid on the table: the doors being opened, a message was received from the Senate by Mr. L. on.

MR. SPEAKER:—The Senate have passed bills, &c. which originated in the House of Representatives, entitled an act to alter the time of holding the county court of Montgomery county: an act declaring the effect of non-al protest: an act concerning the duties of clerks of the county courts and other officers: joint memorial to Congress on the subject of public lands: joint memorial to the Congress of the United States, asking permission for the trustees of the University of Alabama to select other lands in lieu of those herein mentioned, and have amended the same in the manner herewith shewn: and an act to amend the 3d section of an act passed at the last session of the Legislature, to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia: and have amended the same as herewith shewn: in which amendments they respectfully ask your concurrence: the Senate disagree to the amendment made by your honorable body, to the bill entitled an act relative to the satisfaction of executions. They insist on their amendment to the bill entitled an act giving additional powers to the commissioners for superintend-



ding the erection of the state capital, and for compensating the superintendent, by striking out "eight," and inserting "thirteen hundred dollars," as compensation to the superintendent for services heretofore performed; and have appointed a committee on their part, consisting of Messrs. Hubbard, Powell, and Brown, to confer with such committee as may be appointed on the part of the House of Representatives, on the subject of the disagreement between the two Houses in relation to said amendment. They concur in the amendments made by your honorable body to the bill entitled an act to provide for the more speedy collection of debts due the Bank of the state of Alabama. They concur in a resolution of your honorable body, proposing to go into the election of a President and twelve Directors of the Bank of the state of Alabama, this evening at half past six o'clock. They concur in the several amendments made by your honorable body to the bills entitled an act concerning the attendance of J. J. or; and an act to amend the several acts in relation to the public revenue of this state. They have passed bills which originated in the House of Representatives, entitled an act to incorporate the Liberal and Benevolent Society of Mobile; an act to amend and explain an act entitled an act to establish a seventh Judicial circuit; an act supplementary to the several acts now in force, in relation to the public warehouses of cotton in the city of Mobile; a joint resolution authorizing the Governor to order the Quartermaster to pay out of this state, to deliver a field piece to the Artillery company at Claiborne, and for other purposes; and have amended the same as here with shew; and an act to change the place of holding the medical Board for the district of Calhoun; and have amended the same by substituting and her bill in lieu thereof in which they ask your concurrence. And then he withdrew. And then the House adjourned to half past 6 o'clock this evening.

#### NIGHT SESSION, half past 6 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Moore of Jack. Resolved, that the Senate be informed that this House is now ready to receive them, to proceed to the election of a President and twelve Directors of the Bank of the state of Alabama; and that the east end of the Hall is prepared for their reception. The Senate having reported to the Hall of the House of Representatives, and having taken the seat assigned them, Mr. President arose and declared the object of the meeting, when the two Houses proceeded to the election of a President of the Bank of the state of Alabama for the ensuing year; Benjamin B. Fontaine and John L. Findall being in nomination. The votes stood thus:—For Mr. Fontaine 13; For Mr. Findall 13.

Those who voted for Mr. Fontaine are Mr. President Ashe Barton Brown Casey Earle Evans Hubbard Irwin Jackson Merrimether Moore Powell Shackelford Skinner Sullivan. Rep's. Mr. Speaker Anderson Bell Bradford Brindley Bonnell Colgin Collier Conner Cook Compwood Craig Daniel Davis Dennis Hurrett Duke Edmondson Greening Harris Jack Lawler Lewis Massey m'Rae of F. Moore of mad. Paulding Perkins Rainey Richardson Ross Robertson Russell Sargent Sharp Smith of C. Smith of mad. Stone Turner Terry Vining Walker Walthead Weisinger & Wiggins.

Those who voted for Mr. Findall are, Messrs. m'Camy Miller Acklin Brown Forrest Higgins Kelly Martin m'Vay of Law. Moore of J. Price Rather and Ward.

Benjamin B. Fontaine, having received a majority of votes, was declared by Mr. Speaker to be duly elected President of the Bank of the State of Alabama for the present year.

The two Houses then proceeded to elect twelve Directors of the Bank of the State of Alabama, James Hogan, John H. Summerville, William G. Parish, James H. Dearing, Thomas Owen, Constantine Perkins, Audley H. Gazeam, Willis Banks, Ira Griffin, William R. Colgin, Henry A. Snow,

William P. Gould, Robert E. B. Baylor, Samuel B. Ewing, Thomas R. Balling Arch'd P. Baldwin, James B. Welchesspoon, Samuel J. Fisher, John L. Tindall, and Gen. Thomas King in nomination.---The vote stood thus. For Mr. Guzzam 73.--Mr. Parish 73.--Mr. Tindall 71.--Mr. Perkins 68.--Mr. Dearing 65.--Mr. Summerville 59. Mr. Snow 54.--Mr. Gould 54.--Mr. Colgin 53.--Mr. Owen 53.--James Hogan 50.--Mr. Ewing 46.--Mr. Banks 33.--Mr. Giffen 4.--Mr. Baylor 41.--Mr. Balling 38.--Mr. Baldwin 12.--Mr. Welchesspoon 4.--Mr. Pfister 6.--Mr. King 13.--John B. Hogan 16.

Those who voted for Mr. Guzzam are, Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Conny McCreary Miller Moore Powell Shackelford Skinner Sullivan Rep's Mr. Speaker, Anderson Bell Bradford Brown Broadnax Bridges Colgin Collier Conner Cook Coopwood Craig, Daniel, Davis, Dennis, Darrett, Duke Ellis Edmundson Forrest Greening Harris Higgins Jack Kelly, Lawler Lewis Martin m'Vay of Land Massey m'Rae of Frank Moore of Frank Moore of mad. Perkins Price Rather Ross Richardson Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walker Ward Weisinger and Wiggins.

Those who voted for Mr. Parish are Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Jackson Jones m'Conny McCreary Miller Moore Powell Shackelford Skinner Sullivan Rep's Mr. Speaker, Anderson Bell Bradford Brown Broadnax Bridges Colgin Collier Conner Cook Coopwood Craig, Daniel, Davis, Dennis, Darrett Duke Ellis Edmundson Greening Harris Higgins Jack Kelly, Lawler Martin m'Vay of Land Massey m'Rae of Frank Moore of J. Moore of mad. Perkins Price Rather Richardson Ross Richardson Russell Sargent Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Tindall are Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Conny McCreary Miller Moore Powell Shackelford Skinner Sullivan Rep's Mr. Speaker, Anderson Bell Bradford Brown Bridges Colgin Collier Conner Cook Coopwood Daniel Davis Dennis Duke Ellis Edmundson Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin m'Vay of Land Massey m'Rae of Frank Moore of J. Moore of mad. Perkins Price Rather Richardson Ross Russell Sargent Sharp Smith of C. Smith of mad. Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Perkins are, Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Conny McCreary Miller Moore Powell Shackelford Skinner Sullivan Rep's Mr. Speaker, Anderson Bell Bradford Bridges Colgin Collier Conner Coopwood Daniel Davis Dennis Duke Ellis Edmundson Forrest Greening Higgins Jack Kelly Lawler Lewis Martin m'Vay of Land Massey m'Rae of Frank Moore of J. Price Higgins Rather Richardson Richardson Russell Sargent Sharp Smith of C. Stone Tarver Terry Vaughan Vining Walker Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Dearing are, Mr. President Ashe Barton Brown Casey Crabb Earle Evans Hubbard Irwin Jackson Jones m'Conny McCreary Miller Moore Powell Shackelford Skinner Sullivan Rep's Mr. Speaker, Anderson Bell Bradford Bridges Colgin Collier Conner Coopwood Daniel Davis Dennis Darrett Duke Ellis Forrest Greening Harris Higgins Jack Kelly Lawler Lewis Martin Massey m'Rae of Frank Moore of J. Moore of mad. Price Rather Richardson Ross Russell Sargent Sharp Smith of C. Smith of mad. Stone Tarver Terry Vaughan Vining Walthal Ward Weisinger and Wiggins.

Those who voted for Mr. Summerville are, Mr. President Ashe Barton

*Brown Crabb Evans Jackson Jones, m'Caney, Merriweather, Miller, Moore Powell Shackelford Skinner Sullivan Rep's. Mr. Speaker Acklen Bell Broadnax Bridges Collier Conner Copwood Cook Craig Daniel Davis Darrett Duke Edmundson Forrest Greening Harris Jack Lewis Martin McVay of Raeford Perkins Price Rainey Rathen Richardson Ross Robertson Sargent Smith of mad. Stone Tarver Terry Vaughan Vining Walker Walthal and Weisinger.*

*Those who voted for Mr. Sullivan, are, Mr. President, Ashe, Barton, Brown Casey Crabb Evans Hubbard Jackson Jones, m'Caney, Merriweather, Miller, Moore Powell Shackelford Skinner Sullivan, Rep's. Anderson B. Bradford Brown Broadnax Bridges Collier Conner Copwood Cook Daniel Davis Darrett Duke Ellis Edmundson Forrest Higgins Jack Kelly Lewis Martin m'Vay of Land, Massey m'Raeford Perkins Price Richardson Ross Robertson Russell Sargent Sharp Smith of mad. Stone, Tarver, Terry Vaughan Vining Walker Walthal and Weisinger.*

*Those who voted for Mr. Clark are, messrs. Ashe, Barton Brown Casey Crabb Evans Hubbard Jackson Jones Merriweather Shackelford Skinner Sullivan Rep's. Mr. Speaker Acklen Bell Broadnax Bridges Bonnell Cook Copwood Cook Daniel Davis Darrett Duke Edmundson Greening Harris Higgins Jack Kelly Lewis Martin m'Vay of Land, Massey Moore Perkins Price Richardson Ross Robertson Russell Sargent Sharp Smith of mad. Stone, Tarver, Terry Vaughan Walker Walthal and Weisinger.*

*Those who voted for Mr. Colgin are, Mr. President, Barton, Brown, Casey Crabb Evans Hubbard Jackson Jones m'Caney, Merriweather, Miller, Moore Hubbard Shackelford Rep's. Mr. Speaker Acklen Anderson Bell Brown Broadnax Bridges Collier Conner Copwood Craig Daniel Davis Darrett Duke Edmundson Forrest Greening Harris Jack Kelly Lewis Martin m'Vay of Land, Massey Moore Perkins Price, Rainey Rathen Richardson Ross Robertson Russell Sargent Sharp Smith of mad. Stone, Terry Vining and Walthal.*

*Those who voted for Mr. Owen are Mr. President, Barton Brown Casey Crabb Evans Hubbard Jackson Jones m'Caney, Merriweather Miller Moore Powell Shackelford Skinner Sullivan Rep's. Mr. Speaker, Broadnax Bridges Colgin Collier Conner Copwood Davis Dennis Duke Ellis Forrest Greening Harris Jack Kelly Lawler Lewis, Martin m'Vay of Land, Massey Moore of J. Rainey Rathen, Richardson, Russell Sargent, Sharp, Smith of C. Smith, of mad. Stone, Terry, Vining, Walthal, Ward and Weisinger.*

*Those who voted for Mr. Hogan, are, Mr. President, Barton, Brown Casey Crabb Evans Hubbard Irwin, Jackson Jones, m'Caney, Merriweather, Moore Powell Skinner Sullivan, Rep's. Bell Broadnax Bridges Colgin Collier Conner Copwood Craig Daniel Davis Dennis Darrett Edmundson Forrest Higgins Lawler m'Vay of Land, Massey m'Raeford Perkins Price Rainey Rathen Richardson Ross Robertson Russell Sargent Sharp Smith of mad. Terry Vaughan Vining Walker Walthal Weisinger and Wiggins.*

*Those who voted for Mr. Ewing are, messrs. Ashe Casey Evans Hubbard Irwin Jones m'Caney Moore Shackelford Skinner Rep's. Mr. Speaker Acklen Anderson Bradford Brown Broadnax Bridges Bonnell Cook Copwood Craig Dennis Darrett Duke Higgins Lawler Lewis Martin m'Vay of Land m'Raeford Perkins Price Rainey Russell Sargent Sharp Smith of C. Stone, Tarver, Vaughan, Walker, Walthal, Ward, Weisinger and Wiggins.*

*Those who for Mr. Banks are, messrs. Crabb, Irwin, Jones, Sullivan,*



Rep's: Anderson Bradford Brown Broadnax Bridges Bonnell. Collier Conner Cook Craig Daniel Dennis Durrett Ellis Harris  
Jack Kelly Laster Lewis Massey Moore of mad; Perkins Price  
Rather Richardson Robertson Smith of mad; Parver Vaughan, Vining,  
Ward and Wiggins.

Those who voted for Mr. Griffin are, messrs. Ashby, Brown, Earle, Irwin, Powell Sullivan, Rep's Aakien Anderson Bradburn Brown Bridges, Bonnell Coigia, Collier, Conner, Cook, Dancer, Davis, Dennis, Darvett, Dake Ellis, Forrest Greening Jack Kelly, Lowler, Lewis, Massey, Moore or Jack, Ross Robertson Russell Sargent Sharp Smith of C. Stone Vaughan Walther Ward and Wiggins.

Those who voted for Mr. Bachelor are, messrs. Casey Evans, Hubbard, Irwin, Leamy, Shaeffer and Skinner Sullivan, R. P.'s and Spraker. A. S. Lee, Anderson, Brown, Briggs, Bunch, Cook, Compwood, Daniel, Davis, Dennis, Drake, Ellis, Flammason, Forrest, Greening, Huggins, Kelly, McRae, McPherson, Mitchell, Paine, Russell, Seagrass, Sharp, Satterlee, Carver, Perry, Vaughan, Walker, Watford, Ward, Weisinger and Wiggins.

Chase the voted men. Boling aye, no President, Ashe, Barton,  
 Eagle Jackson Miller Soackard *Rep's* no, Speaker, Aiken, Bell,  
 Beallford Benven Benalady Donnell Edgerbrook and Daniel, John and  
 son Harris Lewis Martin a'Way of Lord More of nat Peckers Roney  
 Ross Robertson Russell Sharp Smith of nat Stone Young Walker Wal-  
 thid Wersinger and Wiggins.

Those who voted for our Baldwin are, messrs. Ashe, Rep's. Aiken, Anderson, Bennett, Ellis, Forrest, Harvis, in' Way, of Land, Moore of A. & B. Perkins, Richardson and Ross.

Those who voted for Mr. Witherspoon are, messrs. Irwin P. W. L. R., & Perkins Ross.

Three who voted for Mr. Pilsner are, messrs. Bonnell Forrest Green-  
ing, H. R. Reel, F. Farver and Walker.

Those who voted for Mr. King are, Messrs. Casey Hubbard Lewis Mc  
Henry Miller Drake Higgins & Ely Moore of Mad. Sharp Smithson & Walker.

had Lavin Jackson, Louis Moore, schooler, Lep's Bath, C. p. on,  
and Daniel E. Jackson, Louis Moore, schooler, Lep's Bath, C. p. on.

Julley H. Guzzon, William G. Parish, John L. Conhall, Co. Chairman; Perkins, John A. Dearing, John L. Schumacher, Henry T. Smith, William C. Thompson, Jr., Chairman; Thomas Doren, James Hagan and Samuel H. Long, Managing Directors; and a number of sales were declared by the Speaker to have been effected by the Board of Directors of the above-named company for the present year.

The election being completed the Senate withdrew, and then the House adjourned until tomorrow morning 9 o'clock.

SATURDAY, *Jun. 12th*, 1828.

The House met pursuant to adjournment.

Mr. Davis from the select committee to which was referred the bill entitled an act to change the times of holding the county courts of Jefferson, and Dale counties, reported the bill with the following amendments: strike out the word 'first' where it occurs in the second line of the 3d section, and in the 4th line of the 4th section, and insert in lieu thereof the word 'second;' and also by striking out the word 'second' where it occurs in the 5th line of the 3d section, and in the 5th line of the 4th section, and inserting in lieu thereof the word 'third;' it which report the House concurred it was then read a third time and passed. Ordered that the clerk acquaint the Senate therewith.

Mr. Weisinger moved to take from the table the report of the committee conference appointed on the bill entitled an act to amend the charter of

the Bank of the state of Alabama: the report was then concurred in by the House. *Ordered* that the clerk acquaint the Senate therewith.

Mr. Smith from the select committee to which was referred the bill entitled an act to authorise the Judges of the county courts to fill vacancies in the office of commissioners of roads and revenue, and for other purposes, reported a substitute in lieu thereof; which was adopted by the House: it was then considered as engrossed; and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

M. Ellis from the committee on enrolled bills, Reported that they had examined and found correctly enrolled, bills of the following titles, to wit: an act to repeal in part an act entitled an act to provide for the payment of petit Jurors in certain counties therein named, approved December 22d, 1826, so far as said act relates to the counties of Dallas, Marengo, and Clarke; an act to authorise and require the Secretary of state to procure and his duty to perform in this matter, one set of weights and measures; which originated in the House; an act to repeal an act entitled an act to provide for the payment of petit Jurors in the counties therein named, and for other purposes, passed December 23th, 1824, as far as the same applies to the county of Amherst, and for other purposes; an act to provide for the payment of petit Jurors in the county of Amherst, and for other purposes; an act to authorise the commissioners of revenue and roads of Alabama to levy a special tax, and for other purposes; an act to amend an act to appoint an additional constable in the beat including the town of Chatham; an act to repeal in part a certain act therein named; an act providing for the election of a sheriff in Blount county, and for other purposes; an act to authorise Wyatt Cropper, administrator of William Bates, deceased, to sell and transfer real estate; an act to place a cart in road therein named under the control of the commissioners' court of revenue and roads of Shelby county; an act for the relief of Andrew O. Hoot; an act to repeal in part and amend an act entitled an act respecting slaves, passed March 6th, 1805; an act to appoint commissioners to lay out a road therein specified; an act to incorporate the trustees of Oak Grove Academy, of Perry county; an act to authorise William Hynes to sell and convey a certain tract of land therein mentioned, and for other purposes; an act to provide for the payment of petit Jurors in the county of Jefferson; an act to authorise Jesse Lott to continue a toll bridge erected over Dog river, in the county of Mobile; an act to increase the capital of the Bank of the state of Alabama; and an act to regulate the payment of petit Jurors in the county of Washington; all of which originated in this House.

Engrossed bill entitled an act providing for the erection of a state capitol, and for other purposes; was read a third time and passed. *Ordered* that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

*Ordered* that the House concur in the amendments made by the Senate to the memorial to the Congress of the United States, asking permission for the trustees of the University of Alabama, to select other lands in lieu of those herein mentioned, by adding at the end of the preamble, the following: "Provided they include in such selection, one entire section in one tract and the remaining part of such selection in one tract: provided also, that they shall have the power to select in quarter sections, where the land has not been relinquished.

Engrossed bill entitled an act to amend the 3d section of an act passed

at the last session of the legislature, to compensate the commissioners appointed by the Governor, for ascertaining and marking the permanent boundary line between this state and Georgia. Mr. Greening moved to amend the amendment made by the Senate to said bill, by striking out "two hundred," with a view to insert "three hundred;" a division of the question being called for, the vote was first taken on striking out, which was carried. Yeas 32—nays 23. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Acklen Broadnax Bridges Cook Coopwood, Daniel, Dennis Duke Ellis Forest Greening Harris, Higgins, Jack, Martin, M<sup>r</sup> Rice of Frank, Moore of Madison, Rainey Russell Sargent Sharp Smith of C Smith of Madison, Stone Tarver Terry Vining, Walker, Walthall, Weisinger and Wiggins—52.

Those who voted in the negative are,

Messrs. Anderson B. I. Bradford Brown Bonnell Colgin, Collier, Conner Craig Davis Darratt Edmondson, Lawler, M<sup>r</sup> Vay of Loud, M<sup>r</sup> Vay of Low, Messy Perkins Rather Richardson Ross Robertson Vaughan and Ward—25.

The question was then taken on filing the blank with "three hundred;" which was carried. Yeas 33—nays 23. Those who voted in the affirmative are,

\*Messrs. Speaker, Acklen Broadnax Bridges Cook, Coopwood Daniel, Dennis Duke Ellis Forest Greening Harris, Higgins, Jack, Martin, M<sup>r</sup> Rice of Frank, Moore of Jackson, Stone of Madison, Richardson, Russell, Sargent Sharp Smith of Orange, Smith of Madison, Stone Tarver Terry Vining Walker Walthall Weisinger and Wiggins—53.

Those who voted in the negative are,

Messrs. Anderson B. I. Bradford Brown Bonnell Colgin, Collier, Conner Craig Davis Darratt Edmondson, Lawler, M<sup>r</sup> Vay of Loud, M<sup>r</sup> Vay of Low, Messy Perkins Rather, Ross, Robertson, Vaughan, and Ward—25.

Ordered that the clerk acquaint the Senate therewith.

Ordered that the House insist on their amendments to the bill entitled an act relative to the satisfaction of executions.

Ordered, that Messrs. Moore, of Jackson, K. By, and Jack, be appointed a committee of conference to act with the committee appointed on the part of the Senate in relation to the amendment made by the Senate to the bill entitled, an act giving additional powers to the commissioners for superintending the erection of the State Capitol and for compensating the superintendent, by striking out "eight hundred" and inserting "forty hundred" ordered that the House concur in the amendment made by the Senate to the resolution authorizing the Governor to order the Quarter-master General of this State to deliver a Field Piece to the Artillery company at Cambridge and for other purposes by adding after the word "Shells" in the 3d. member of the resolution the words "and eighty shells" and by adding thereto another resolution or member of resolution, ordered that the House concur in the amendments made by the Senate to the bill entitled an act to change the place of holding the Medical board for the district of Canawha. By changing the caption of the bill so as to read "an act to regulate the licensing of Physicians to practice and for other purposes approved December 22d 1823 and by adding thereto sundry additional sections.

Engrossed bill entitled, an act, to divorce Jane Gholston from her husband John Gholston, was read a third time and the question being



put shall this bill pass it was determined in the affirmative there being a constitutional majority voting in favour of its passage, Yeas 45 Nays 2.

Those yeas and nays being desired.—Those who voted in the affirmative are, messrs. Speaker, Adrien Anderson Bradford Brown Broadnax Bonnell Coker Cour Coker Cook and Craig Daniel Davis Durrell Ellis Edmondson Forrest Greening Harris Higgins Kelly Martin McVay of Land: Mussey, Vail of Land: Mussey, Vail of Frank: Moore of Jack: Moore of Madison: Perkins, Ransom, Sargent, Sells, of Clark: Smith of Clark: Smith of Madison: Stone, Tarver, Terry, Vining, Walker, Walcott, Warr and Williams 45.

Those who voted in the negative are,—messrs. Dennis and Weisinger 2.  
Ordered that the title be as aforesaid, ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act, to amend an act to establish the bank of the State of Alabama approved December 20th 1821 was read a third time and passed. Ordered that the title be as aforesaid, ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act, to divorce Parthenia Courtney from her husband James Courtney was read a third time, and the question being put shall this bill pass? It was determined in the affirmative there being a constitutional majority voting in favour of its passage,—Yeas 42 Nays 6.

Those yeas and nays being desired.—Those who voted in the affirmative are, messrs. Speaker, Adrien Anderson Bell Br. Ford Broadnax Bonnell Coker Cour Coker Cook and Daniel Davis Martin Kelly Edmondson Forrest Harris Higgins Kelly Lewis Martin McVay of Land: Mussey, Vail of Frank: Moore of Jack: Moore of Madison: Perkins, Sargent, Sells, of Clark: Smith of Clark: Smith of Madison: Stone, Tarver, Terry, Vining, Walker, Walcott, Warr and Williams 42.

Those who voted in the negative are, messrs. Dennis Duke Lawler McVay of Land: Sargent and Weisinger 6.

Ordered that the title be as aforesaid ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled, an act to divorce Benjamin Russell from his wife Mary Russell was read a third time and the question being put shall this bill pass? It was determined in the affirmative there being a constitutional majority voting in favour of its passage, Yeas 41. Nays 2.

Those yeas and nays being desired.—Those who voted in the affirmative are, messrs. Speaker, Adrien Anderson Bradford Brown Broadnax Bonnell Coker Cour Coker Cook and Daniel Davis Martin Kelly Edmondson Forrest Greening Harris Higgins Lewis Martin McVay of Land: Mussey, Vail of Frank: Moore of Jack: Moore of Madison: Perkins, Ransom, Sargent, Sells, of Clark: Smith of Clark: Smith of Madison: Stone, Tarver, Terry, Vining, Walker, Walcott, Warr and Williams 41.

Those who voted in the negative are, messrs. Dennis and Colgin.  
Ordered that the title be as aforesaid, ordered that the same be sent to the Senate for their concurrence.

Engrossed bills—the following titles to wit, an act, the better to provide for the trial of the right of property and for other purposes, an act, to amend an act entitled an act respecting bail in civil cases passed 9th December 1822, an act making appropriations for the year 1828 were severally read a third time and passed.

Ordered that the titles be as aforesaid, ordered that the same be sent to the Senate for their concurrence.



the House of Representatives entitled, an act for the relief of Joseph Owens, an act, to repeal an act passed March 10, and reenacted with amendments February 18, 7, an act to establish the dividing line between the counties of Bibb and Tascaloosa according to the existing laws, an act, supplementary to an act entitled an act to amend an act, to establish the Bank of the State of Alabama approved 20th, December 1822, an act for extending the time granted to John Fowler for running a Steam Ferry Boat and a Rowboat or Sail Boat between the city of Mobile & the town of Blakely by an act, passed December 20th, 1822, an act to incorporate Lockers' encampment of Knights, Templar No. 1, an act providing at what place land and negroes taken in execution shall be sold in the county of Tascaloosa, and a supplementary to an act entitled, an act, to establish a road from Montecello to Greensborough approved January 12th 1827.

A Joint remonstrance to the Congress of the United States against the provisions and to protect certain branches of domestic industry at the expense of others and the policy of the measure, an act, to provide for the protection of the printer's rights, and have amended the same in the manner hereafter shewn, and relative to Volunteer companies in the Militia of this State and for other purposes and have amended the same as herewith shewn in which they desire your concurrence.

An act, to incorporate certain Slaves therein named and have amended the same by adding thereto a proviso, an act, to alter the times of holding Company Courts Martial and have amended the same as herewith shewn in which amendments they also desire your concurrence.

They have also presented &c. which originated in the House of Representatives entitled, an act to incorporate a Volunteer company, under the name and style of the Moore Rifle Company; an act, to authorize the Governor to issue bonds taken for the public arms to be received and for the disposition of the public arms and; Joint resolution proposing amendments to the Constitution of the United States. They have passed a bill and joint resolution which originated in their House entitled, an act to authorize James Thompson, and his associates to open a Female school therein named; and Joint resolution authorizing a further investment of University funds. In which they desire your concurrence.

The Senate concur in the report of the committee of conference appointed on the disagreement between the two Houses in relation to the amendments by the Senate to the bill entitled, an act, giving additional powers to the commissioners for superintending the erection of the State Capitol and compensating the superintendant recommending that the compensation to the Architect for services heretofore performed be fixed at one thousand dollars and then he withdrew.

Ordered that the House concur in the amendments made by the Senate to the bill entitled, an act relative to volunteer companies in the militia of this State, and for other purposes, with the following: in the 4th section fill the blank with the word "slaves." Ordered that the House concur in the amendments made by the Senate [to the bill] and if an act to incorporate certain slaves therein named, by adding at the end of the bill a proviso. Ordered that the House concur in the amendments made by the Senate to the bill entitled an act to alter the times of holding company courts martial, by adding thereto an additional section.

Joint resolution from the Senate authorizing a further investment of University funds was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second



cond time forthwith, and the rule being further dispensed with, it was then read a third time and passed. Ordered that the clerk acquaint the Senate therewith.

Engrossed bills from the Senate of the following titles, to wit: an act better to regulate the Journal proceedings; an act defining the liability of indorsers, and for other purposes; an act regulating Journal proceedings were severally read a third time and passed. Ordered that the clerk acquaint the Senate therewith.

On motion of Mr. Weisinger, Resolved That the Speaker be directed not to sign and certify the accounts of members of this House for after January on the 1st, until the formal adjournment of the General Assembly.

Engrossed bill entitled an act to regulate the mode of organising the Senate and House of Representatives at the commencement of each session, was read a third time. Mr. Perry moved to amend the bill by way of the following engrossed rider: "and other officers." It was then passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

Engrossed bill entitled an act to provide for the payment of certain expenses therein mentioned; was read a third time. Mr. Greening moved to fill the first blank in the bill with the word "six cents," which was carried. Yeas 35 Nays 5. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker Bell, Bradford, Broadnax, Bonnell, Colgin, Collier, Comer, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, M'Vay of Law, M'Vay of Land, Moore of Jack, Moore of Mad, Price, Rainey, Rather, Richardson, Robertson, Russ, H. Sargent, Sharp, Smith of Mad, Stone, Terry, Vining, Walker, and Ward.

Those who voted in the negative are,

Messrs. Anderson, Brown, Duke, Edmondson, M'Vay of Land, M'Vay of Law, M'Vay of Frank, Moore of Jack, Moore of Mad, Russell, Eugene, Vaughan, Walcott, Weisinger and Wiggins—15.

Mr. Ross moved to fill the blank with "two dollars and fifty cents," in relation to the pay of a messenger; which was lost. Yeas 10 Nays 14. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Colgin, Harris, Jack, Kelly, Lewis, Perkins, Rather, Ross, Stone and Walker—10. Those who voted in the negative are,

Messrs. Speaker, Acstien, Anderson, Bell, Bradford, Brown, Broadnax, Bonnell, Colgin, Collier, Comer, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, M'Vay of Frank, Moore of Jack, Moore of Mad, Price, Rainey, Rather, Richardson, Robertson, Russ, H. Sargent, Sharp, Smith of Mad, Terry, Vaughan, Vining, Walcott, Ward, Weisinger and Wiggins—14.

The blank was then filled with "two dollars." Mr. Kelly then moved to fill the blank with "six cents," in relation to the allowance to the messenger for mileage; which was carried. Mr. Ross moved to fill the blank with "four dollars;" the per diem allowance to the messenger;—which was carried. Mr. Ross moved to fill the blank with "seven dollars," the per diem pay to the clerk of said committee; which was lost. Yeas 5—Nays 32. The yeas and nays being desired.

Those who voted in the affirmative are, Messrs. Kelly, Ross and Stone 3.

Those who voted in the negative are, Messrs. Speaker Acstien, Anderson, Bell, Bradford, Brown, Broadnax, Bonnell, Colgin, Collier, Comer, Cook, Coopwood, Craig, Daniel, Davis, Dennis, Durrett, Duke, Ellis, Edmondson, Forrest, Greening, Harris, Higgins, Jack, Lawler, Lewis, Martin, M'Vay of Land, M'Vay of Law, M'Vay of Frank, Moore of Jack, Moore of Mad, Perkins, Price, Rainey, Rather, Richardson, Robertson, Russ, H. Sargent, Sharp, Smith of Mad, Terry, Vaughan, Vining, Walker, Walcott, Ward, Weisinger and Wiggins 52.

Mr. Brown then moved to fill the blank with five dollars which was carried.—Yeas 29, Nays 27.

The yeas and nays being desired, those who voted in the affirmative are:  
Messrs. J. P. McKee, C. B. Brown, Wm. Chas. Benson, Edgar Connor,  
Chas. H. DeLoach, Walter D. Gooding, George Henry Lewis, Martin McLean  
O. Frank, George Pickens, Robert L. Davis, Ross Kenneth Sharpstone,  
Terry Young, H. W. Whitaker—29.

[illegible]

On 19th August 1966, Yang was interviewed in person in a friendly way of the following English-Chinese type. The interview was conducted by the Chinese side in Cantonese, but the Chinese side was not allowed to ask any questions in Cantonese. The Chinese side was not allowed to ask any questions in Cantonese. The Chinese side was not allowed to ask any questions in Cantonese.

Englished and altered, an act the better to designate free people of Color.

(c) A second mover that did not be persuaded on the first day of the day, a second mover that was not persuaded — could not say so.

[illegible]

There was voting in the big game area. Mrs. S. A. Bradburn, Bradburn Col-  
gin Cotton Company, Corp., was declared a laborer on a cotton farm, and  
Lewis Martin of Vay of Lake Park was declared a laborer on a cotton farm.  
Rear 1-001 (1914) of the same W. C. O. Co. was also declared a laborer.

Thompson also has assisted in preparing a book by the author which may be published in the near future.

Mr. Farnell arrived in autumn the next summer after the work road with the following: one day part of the road was in bad condition and it took five miles on the coast of Widdow's Bay, where some was carried, and the rate requiring only \$2.00 in the case of the other several days being dispensed with, it was then really a small time and passed.

Mr. Ellliott read the following resolutions, which he only reported that they had examined and to be considered, and then he said: "An act to organize and establish a court in said county and to arrange the business of the said court, and to provide for the judicial circuit; An act to incorporate the town of Lucknow, and to repeal an act incorporating said town passed the 20th day of June, 1875; An act concerning the attendance of Jurors; An act to create Cass, Chickasaw, and Chick County a public Highway; and An act to amend an act entitled, an act to divide the State into districts for electing representatives to Congress passed December 21st '82, all of which originated in the Senate."

Mr. JACK moved that the house adjourn until Monday morning 9 o'clock. *Yea* 22. *Nays* 2.

The yeas and nays being desired, those who voted in the affirmative are,  
Messrs. Ackley, Collier, Conner, Ellis, Lamondson, Porter, Jack, &c., 18.  
Martin McVay, J. L. Lane, Messrs. A. C. Lee and J. F. Ewing, 10. The latter  
Ross Russell, Senator C. S. Smith or made, Vaughan Young & Walker—29.

Those who voted in the negative are, Messrs. Speaker Anderson Bell Bedford Brown Broadnax Bonnell Colgin Cook Coopwood Craig Daniel Dennis Durrett Greening Harris Kelly Lawler M'Vay of Law. M'Rae of F. Moore of mad. Rainey Richardson Robertson Sargent Sharp Stone Terry Walthead Ward Weisinger and Wiggins 32.

Mr. Perkins then moved that the House adjourn until half past eight o'clock on Monday next, which was lost—Yeas 21, Nays 33.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Acklen Bell Brown Calhoun Comer Ellis Forrest Jack Lewis Martin Massey Moore of Jack. Paulding Perkins Rather Ross Russell Smith of C. Smith of mad. Vaughan Voting 21.

Those who voted in the negative are, Messrs. Speaker Anderson Bedford Broadnax Bonnell Colgin Cook Coopwood Craig Daniel Dennis Durrett Elmendorf Greening Harris Kelly Lawler M'Vay of Law. M'Rae of Frank. Moore of mad. Rainey Richardson Robertson Sargent Sharp Stone Terry Walker Walthead Ward Weisinger and Wiggins 33.

Mr. Ross offered his protest showing the reasons why he voted in favour of spreading on the Journals of this House the letter of Henry Hitchcock Esq. The chair determined that the protest in its then shape could not be allowed to be entered on the Journals as it contained the letter of Mr. Hitchcock verbatim, which the House had before voted to have entered on the journals. And then the House adjourned at 7 o'clock this evening.

NIGHT SESSION 7, OCTOBER.

The House met pursuant to adjournment.

A message from the Senate by Mr. Lyon.—Mr. Speaker, the Senate concur in the resolution of your honorable body proposing that the report of the joint committee appointed to examine and report the state and condition of the Bank of the State of Alabama be recommitted to the said committee for the purpose of revising that part of the same relating to bad and doubtful debts they have elected Mr. Shackelford a member of the joint committee on their part to examine the state and condition of the Bank to supply a vacancy occasioned by the absence of Mr. Jackson who was a member of the committee. They insist on their disagreement to the amendment made by your honorable body to the bill entitled, an act relative to the satisfaction of executions and have appointed a committee on their part consisting of Messrs. Crabb Hubbard and M'Camery to confer with such committee as may be appointed by the House on the subject of said amendment. They concur in the amendment made by the House to their amendment to the bill entitled, an act to amend the 5d section of an act passed at the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia by striking out two hundred dollars and inserting three hundred dollars. They have passed a bill which originated in the House entitled, an act to abolish & establish certain election precincts therein mentioned and have amended the same in the manner herewith shewn, in which they ask your concurrence. They have passed a bill which originated in their House entitled, an act regulating fees of certain officers therein named, in which they desired your concurrence. They have also passed bills which originated in the House of Representatives entitled, an act to establish the 52d Regiment of Alabama Militia; An act to authorise the Judge and commissioners of &c.



Clair County to levy a tax for the purpose therein mentioned; An act to expand and amend the 9th section of an act passed December 13th 1819, entitled, an act to establish certain counties therein named, and for other purposes therein mentioned, An act to and orise the Judge of the county court and commissioners of Roads and Revenue to fill vacancies in certain cases; An act to emancipate certain persons therein named; and, An act for the relief of Robert H. Rose. And then he withdrew.

Ordered, that Messrs. Kelly Weisinger and Martin be appointed a committee on the part of this House to confer with the committee appointed on the part of the Senate in relation to their disagreement to the amendment made by the House of Representatives to the bill entitled, an act relative to the satisfaction of executions. The House resumed the consideration of Mr. Ross's motion to sign his protest on the journals of this House. Mr. Speaker stated that Mr. Ross had no right to incorporate the letter of Henry Hitchcock Esq. in relation to the Tonbecke Bank in his protest in as much as the House had on a former occasion refused to spread said letter on the journal. From which opinion of the Speaker Mr. Ross appealed and desired the yeas and nays on the question.— Yeas 37. Nays 5.

Those who voted for sustaining the Speaker in the opinion which he had pronounced are, Messrs. Acklen Anderson Bell Bradford Brown Broadnax Bonnell Colgin Conner Coopwood Daniel Dennis Durrett Duke Ellis Greening Higgins Jack Lawler M'Vay of Laud, Massey M'Rae of F. Paulding Rainey Rather Richardson Robertson Sargent Sharp Smith of mad. Tarver Terry Vaughan Walker Ward Weisinger & Wiggins 37.

Those who voted in the negative or against the decision of the Speaker are as follows to wit. Messrs Collier Craig Edmondson Martin Perkins Ross Stout Walthall &c.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled, an act to abolish and establish certain election precincts therein mentioned. By adding thereto two additional sections.

Engrossed bill entitled, an act regulating the fees of certain officers therein named was read a first time.

Mr. Greening moved that the bill lie on the table till the 1st day of June next which was carried.—Yeas 28. Nays 20.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Speaker Anderson Bell Bradford Broadnax Bonnell Colgin Collier Dennis Durrett Greening Higgins Jack Lawler Martin Massey Rainey Richardson Ross Sargent Sharp Tarver Terry Walker Walthall Ward Weisinger and Wiggins 28.

Those who voted in the negative are, Messrs. Acklen Brown Conner Coopwood Craig Daniel Duke Ellis Edmondson Forrest M'Vay of Laud. M'Rae of F. Moore of mad. Perkins Rather Robertson Smith of mad. Stone Vaughan and Vining 20.

And then the House adjourned until Monday morning 9 o'clock.

MONDAY, January 14th, 1828.

The House met pursuant to adjournment.

Mr. Kelly obtained leave to introduce a bill to be entitled, an act to allow further time to the tax collector of Madison county, to collect and pay over the taxes of that county, for the year 1827, which was read a first time, and the rule requiring bills &c. to be read on three several days being dispensed with, it was then read a second time forthwith, and considered as engrossed, and the rule requiring bills to be read on three sev-

oral days being dispensed with: it was then read a third time and passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Lawler obtained leave to introduce a bill to be entitled, an act supplementary to an act, to establish the dividing line between the counties of Tuscaloosa and Bibb, according to the existing laws passed the present session, which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and considered as engrossed, and the rule being further dispensed with, it was then read a third time forthwith and passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

On motion of Mr. Weisinger: *Resolved* that a committee of three members be appointed to inquire for, and obtain certain title papers, making donations to the State of Alabama, of real property by the citizens of Tuscaloosa, and that they have power to summon persons and papers, and report to this House, the result of their inquiries, whereupon Messrs. Weisinger Moore of Mad. Moore of Jack. were appointed said committee.

Mr. Walker offered the following preamble and resolution, whereas in the spring of 1837, rumours were in circulation, that the Tombeckbe Bank was in doubtful circumstances, and a failure of specie payment for its notes anticipated soon after the Mobile Bank refused to receive the notes of the Tombeckbe Bank, on general deposits, or in payment of its debts, and the notes of the Tombeckbe Bank, declared considerably below par; and the citizens generally refused to receive the paper of the Bank. Finding the credit of the bank failing, the President wrote letters to his friends, in different parts of the State, setting forth in strong terms, the sound condition of the bank, and that no danger was to be apprehended in receiving the notes of the institution; these letters published in the several news papers of the State, and coming from so high authority, and one having every opportunity of knowing the real situation of the bank, had the effect to establish confidence in the bank, and give to its paper circulation. It was again received not only by individuals, but in some of the Land Offices, at a time when the country had much of the paper of the bank in circulation, and just before the expiration of the law of the United States granting its munificence, to purchasers of public lands, and while very many of the citizens were prepared with the paper of the bank, to pay for their lands, which were to constitute a home for their families, the bank closed its vaults. The paper of the bank at once depreciated 10 or 50 per cent. Some weeks after the failure of the bank, say in the first of July, the officers of the bank published an expose of its funds, by which it appears that the bank had in possession cash notes on other solvent banks, and drafts to an amount more than sufficient to meet the demands against it. There appears then, no necessity for closing the vaults of the bank at the time it was done. Before the debtors of the bank could receive returns from their cotton, to enable them to purchase the paper of the bank, to pay their debts due that institution, it transferred to the United States, a large amount of the notes of individuals, to pay a debt owing to the United States, and thereby prevented the possibility of paying their notes in the paper of the bank, a procedure never countenanced even by the Huntsville bank, in its days of deepest speculation and fraud.

*Be it therefore resolved*, that we view with entire disapprobation, the management of the Tombekke bank, in giving to its paper a fictitious credit, throwing it upon the community, and then closing the vaults of the institution at a time better calculated than all others, to ruin the interest of the country, and when it was not called for by the condition of the bank. *And be it further resolved*, that it was highly injurious to the community, to transfer to the United States, the notes which individuals owed to the Tombekke bank, and the step, preventing the possibility of paying the paper of the bank. Mr. Crenshaw moved that the resolution be on the table, which was carried.

Mr. Munge of Jacksonville, obtained leave to introduce a joint resolution, to provide for the safe keeping of the State furniture, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and considered as engrossed, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

A message was received from the Governor by James L. Robertson, which is as follows, to wit:

JANUARY 11, 1834.

**MESSAGE FROM THE GOVERNOR.**—The Governor did, on the 11th instant, approve and sign the following bills, to wit: An act for incorporating the town of Centland, in the county of Lawrence; an act to amend an act incorporating the town of Hartsfield, in the county of Baldwin; D. L. Lister, administrator of the estate of Charles Vines, deceased, an act for accounts in the circuit court of Washington county, an act to extend to St. Clair and Shelby counties concurrent civil and criminal jurisdiction with Autauga county in the Creek Nation.

Joint resolutions proposing amendments to the Constitution of the State of Alabama: on the 10th inst. an act to authorize the Judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax, an act to change the name of certain persons therein mentioned, an act to regulate the inspection of Tobacco in this State, an act for the relief of David McCalmer: Joint resolution to provide for the removal of the next General Assembly and on the 11th, an act more effectually to prevent frauds and fraudulent conveyances and for other purposes, an act for the relief of Wyatt Chentham and on the 12th inst. an act to define the corporate limits of the Town of Sparta in Conecuh county and for other purposes, an act to divorce James Pharr from Mary Pharr an act to authorize the County court of Jackson county to levy an extra tax, an act to authorize the election of a Justice of the peace in the town of Columbia in Shelby county, an act to apportion the Representatives among the several counties in this State and divide the State into Senatorial Districts according to the late census, an act to increase the Capital of the Bank of the State of Alabama and, a Joint resolution declaring the expiration of the office of the present Trustees of the University of the State of Alabama all of which originated in the House of Representatives.

Mr. Walker moved to take from the table the resolution introduced this day in relation to the Tombekke Bank which was lost. Yeas 15, Nays 22.

The yeas and nays being desired. Those who voted in the affirmative are, messrs. Acklen Anderson, Brown Colgin, Crookwood Dennis, Forrest



Higgins Kelly McVay of Loud, Massey Moore of Jack: Moore of mad. Smith of Clark and Walker. 15.

Those who voted in the negative are, *messrs.* Speaker, Bell Bradford Broadnax Bonnell Collier Conner Cook Craig Daniel Davis, Derritt, Edmondson Harris Jack Layler Lewis Martin McVay of Loud, Perkins Rainey Ross Robertson Russell Sargent Sharp Smith of mad. Turner Perry Walthall Ward and Wiggins. 32.

Mr. Collier moved to amend the protest of some of the members who voted in the minority on the appeal from the judgment of the Court, charging so much of the protest of Mr. Ross as was inconsistent with the conceded letter of H. Hitchcock Esq. to the Governor, in which Mr. Speaker decided to be out of order from which decision Mr. Collier appealed.

Those who voted in sustaining the Speaker in the decision are as follows—*messrs.* Acklen Anderson Bradford Brown Derritt, Edmondson, Conner Cook Coonwood Daniel Dennis Derritt Hill, Edmondson, Higgins Jack Kelly Layler, McVay of Loud, McVay of Low, Massey, Moore of Jack, Moore of mad, Price Kelley Richmond, R. Sell Sargent Sharp Smith of Clark Smith of mad, Perry, Sargent Young, Walker, Ward Weisinger and Wiggins. 39.

Those who voted in the negative are, *messrs.* Collier Craig Edmondson Harris Lewis Martin Perkins Ross Robertson Turner and Walthall.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles to wit, an act further to amend the Charter of the Bank of the State of Alabama which originated in the Senate and then the House adjourned until this evening 2 o'clock.

Evening Session, 2 o'clock.

The House met pursuant to adjournment.

Mr. Bell offered the following:—whereas it is believed that it is the policy of all governments to encourage economy and domestic industry. Therefore be it *Resolved*, by the House of Representatives that the Governor and members of the next General Assembly be requested to appear in clothing of domestic manufacture.

Mr. Kelly made the following report which was adopted.—The committee of conference appointed on the disagreement of the two Houses in relation to the bill concerning the satisfaction of executions growing out of the amendment of the House of Representatives and disagreed to by the Senate have met and taken the subject into consideration and have agreed to recommend to the two Houses that the said amendment be amended by inserting after the words "Judgment creditors in the second section the words "in the courts of record in this State" and that the said amendment so amended be agreed to by the Senate. In which report the House concurred.

On motion of Mr. Kelly *Resolved* the the opinions of the minority of the committee appointed to investigate the official conduct of Judge Lipscomb, as entered on the Journal of said committee, be considered as a part of the Journal of this House, and be published accordingly with the report of said committee.

A message from the Senate by Mr. Lyon,

Mr. Speaker. The Senate concur in the report of the committee of conference on the disagreement between the two Houses in relation to the amendment made by the House to the bill entitled, an act, relative to the

satisfaction of executions. They concur in the amendment made by the House to the bill entitled, an act to authorize James Thompson and his associates to open a turnpike road therein named. They also concur in the amendments made by the House to the bill entitled, an act to change the time of holding the county courts of Jefferson Henry and Dale counties. They disagree to the amendment made by the House to the bill entitled, an act defining the liability of employers. They have passed bills which originated in the House of Representatives entitled, an act providing for the payment of salaries for prosecuting to conviction slaves charged with capital offences, and a bill to encourage the raising Volunteer Companies in the county of Morgan.

They have also passed a bill, an act respecting but in civil cases passed by the House on December 1823, have amended the same by striking out the second section, an act to provide compensation for a person to transcribe and arrange the records of the clerk's office of the county court for the county of Dallas. They have also amended the same in the manner here with shown. A joint resolution to provide for the safe keeping of the State House records. They have amended the same as herewith shewn. In the evening they adjourned and then he withdrew.

On the 11th of December a committee to the amendment to the bill entitled, an act to provide for the safe keeping of the records, is and for other purposes.

On the 12th of December a committee to which was referred. A joint memorial from the Congress of the United States praying that the Senate should extend the term of the last extension of the Federal Circuit by an act of Congress to the expiration of its bounds. Reported that they have received a letter from the House for said memorial who informed that the said paper found in his custody and that he knows nothing of the same. They therefore advise him to be discharged from the consideration of the memorial and they leave to report a memorial having in view the subject of the memorial.

On the 13th of December a memorial which was carried. It was then read and the House agreed to the same requiring him to be read and the House agreed to the same. It was then read a third time and passed. The House then adjourned until the next day, ordered that the same be printed and distributed to the members.

On the 14th of December they concur in the amendments made by the Senate to the bill entitled, an act to amend an act entitled, an act respecting the records of the county of Dallas by striking out the 2nd and 3rd sections and inserting in the amendments made by the Senate, an act to provide compensation for a person to transcribe and arrange the records of the clerk's office of the county court for the county of Dallas, by inserting the words "and Henry" whenever "Dallas" occurs in the bill and immediately thereafter so as to make it read "Dallas and Henry counties" or the counties of Dallas and Henry.

Ordered, that the House concur in the amendment made by the Senate to the joint resolution to provide for the safe keeping of the State House records by substituting another resolution in lieu thereof.

Mr. Ellis from the committee on enrolling bills reported that they had examined and found correctly enrolled, bills of the following titles to wit: an act to preserve the health of the inhabitants residing on Stokes Creek in Landerd County, an act amendatory of the several laws heretofore passed in relation to the public revenue, an act to authorize Manuel Par

An act to emancipate a mulatto woman slave named *Patience* and, an act to provide the clerks of the several counties in this State with copies of the Acts of the present and each subsequent Congress of the United States which originated in the Senate; also, an act, entitled an act concerning roads bridges and ferries in the county of *Mobile*, an act for the relief of *John Wood*, an act to amend the incorporating the town of *Vineyard* an act to provide for the establishment of the permanent seat of justice in the county of *Walker*, an act relative to the estates of *Isaac Edwards* late of *Conecuh* county deceased, an act to provide for keeping and repairing a certain road therein mentioned, an act changing the name of holding the county courts in *Greene* & *Perry* counties, an act to amend in part and repeal in part an act to establish the town of *Whitesburg* and incorporate its Trustees an act to establish a road from *Murphy's* old saw mill on the *Sandies* Creek in *Jefferson* County to *Charles* *Murphy's* in *St. Clair* county an act to amend an act to incorporate the town of *Scotts* city and declaring the effect of notarial protests, an act supplementary to the several acts now in force in relation to public wharves and piers in the City of *Mobile*, an act to authorize the sales of lands for various and sundry purposes, an act to alter the time of holding the county court of *Montgomery* county, an act concerning the duties of Clerks of the county courts and other officers, an act to amend the *Mobile* city and county of *Mobile*, an act to amend and extend an act entitled an act to establish a seventh Judicial circuit, an act abolishing a lottery for the purpose of establishing a free school in the town of *Montgomery* and in the town of *Blountsville* and the providing a black box for the use of said town and incorporating the popular singing Academy in *Montgomery* county, an act to abolish and establish certain election precincts therein mentioned, an act relative to Volunteer companies in the militia of this State and for other purposes; an act, to alter the times for holding County Courts, Term, an act to emancipate certain slaves therein named, an act to establish the 52d Regt. of Alabama Militia, an act for the relief of *Robert H. Ross*, an act to emancipate certain persons therein named, an act to amend the 3d section of an act passed at the last Session of the Legislature to emancipate the commissioners appointed by the Governor and ascertaining and marking the permanent boundary line between this State and *Georgia*, an act supplementary to an act entitled, an act to amend and to establish the Bank of the State of Alabama approved December 13th 1823, an act to repeal in part an act passed March 1803 as amended with amendments February 1807, an act providing at what place lands and negroes taken in execution shall be sold in the county of *Fusard*, an act supplementary to an act entitled, an act to establish a road from *Montgomery* to *Greensborough* approved Jan'y. 12th 1827, an act, for the relief of *Joseph Owens*, an act, for extending the time granted to *John Fowler* for running a steam ferry boat and a row boat or sail boat between the City of *Mobile* and the town of *Blakely* by an act passed December 24th 1822, an act to explain and amend the 9th section of an act passed December 13th 1819 entitled, an act to establish certain counties therein named and for other purposes therein mentioned.

An act to authorize the Judge of the county court and commissioners of roads and revenue to fill vacancies in certain cases, an act to provide for the preservation of the public arms, an act to authorize the Judge and commissioners of *St. Clair* county to levy a tax for the purpose therein mentioned, an act to incorporate *Barker* encampment of knights



Templar no. 1, an act to establish the dividing line between the counties of Tallapoosa and Bibb according to the existing laws, an act to incorporate a Volunteer company under the name and style of Monroe Rifle company, an act to amend an act, to regulate the Licensing of Physicians to practice and for other purposes approved December 2<sup>d</sup> 1823, an act giving additional powers to the commissioners for superintending the erection of the State Capitol and for compensating the superintendant, an act to authorize the Governor to cause bond taken for public arms to be renewed and for the distribution of the public arms.

A joint resolution proposing amendments to the Constitution of the United States.

A joint resolution authorizing the Governor to order the quarter master general of this State to furnish a fiscal price to the Artillery company of this State for other purposes.

A joint resolution in furtherance of the Congress of the United States against the power assumed to protect certain branches of domestic industry at the expense of others and the policy of the measure.

A joint resolution to Congress on the subject of public lands. A joint resolution to Congress of the United States asking permission for the Trustees of the University of Alabama to select other lands in Florida for ceremonial purposes and. A joint resolution instructing his Excellency the Governor to cause the remains of the late Israel Pickens, to be removed from the Island of Cuba to his late residence in Green County all of which originated in this House.

The joint committee elected to examine the State Bank, and to whom the report in both Houses presented by said committee and was recommended with instructions to revise that part of the report as relates to bad and doubtful debts report that they have had a meeting and no evidence being offered in cause a change in the opinion of the committee to the report first made it is reported back without amendment said report is as follows.

The Joint committee appointed by both Houses of the General Assembly to examine the situation and condition of the Bank of the State of Alabama, respectfully report, that the paper marked (A) is an expose of the situation and condition of the bank up to 21st December 1827, the time at which the examination of the books of the bank so far as they are connected with the funds of the institution was completed.

The amount due the bank on the 21st December 1827, on notes discounted to individuals, as well as on the statement (A) was five hundred and thirty five thousand five hundred and thirty dollars (\$535,500.) By referring to the paper marked A and B, it will be seen that the condition of the Bank has greatly improved since the 21st December last. The Cashier's statement marked C shows the condition of the bank up to the 5th instant. The amount of debt on the bank on the 21st December last, as is above stated, was five hundred and thirty five thousand five hundred and twenty dollars (\$535,500.) By referring to the paper marked B, these debts, on the 5th inst. amounted only to two hundred and eighty three thousand four hundred and forty four dollars (\$283,444) having been reduced by payments made since the 21st December last, two hundred and fifty two thousand and seventy six dollars (\$252,676) while the available funds of the institution have been increased two hundred and fifty two thousand and two hundred and ninety five dollars and sixty cents (\$252,695.60) by the purchase of Bills of Exchange, and by the paper of the other Banks paid in, and at the same time the circulating paper of this Bank has been diminished three thousand and twenty five dollars (\$3,025.)

The committee think it proper here to submit a few remarks in relation to the means of the Bank to redeem its paper now in circulation. It will be seen by reference to the paper marked B, that the Bank is liable for the sum of six hundred and thirty thousand two hundred and seventy four dollars, sixty and a half cents (\$632,274.60½) which sum is formed by the debts due to other Banks, to individual depositors, and its own notes in circulation. The amount of cash on hand, including specie, notes of other Banks, and Bills of Exchange, is seven hundred and thirty nine thousand and eighty dollars, twenty two and a half cents (\$739,822.50) leaving a surplus over the amount for which the Bank is liable of one hundred and eight thousand five hundred and thirty eight dollars and six and a half cents (\$108,547.89½). From this statement, it will be clearly seen that the Bank is in possession of the means of meeting all demands which may come against it, and of supplying its vaults with the necessary quantity of specie.

Of the debts due from the Bank, the deposits amount to a considerable item—by reference to the paper marked B it will be seen that out of the sum Four hundred and forty three thousand one hundred and ninety eight dollars and sixty and a half cents (\$443,868.60½) the sum of thirty seven thousand and fifty eight dollars, eighty five and a fourth cents (\$37,038.85¼) only is liable to be drawn by check on account of individuals; the balance of the deposits being in the credit of the Treasury and consisting of the ordinary receipts of the funds of the University—the three per cent fund—and monies deposited by individuals as partial payments on notes due the Bank.

The committee have taken some pains to ascertain the situation of the debts due the Bank, and from all the information they have been able to obtain, they are of the opinion that the amount of the debts which the Bank will probably lose, does not exceed four thousand two hundred dollars (\$4,200) and the debts which we consider at all doubtful, will not exceed thirteen thousand six hundred and seven dollar-fifty cents (\$13,687.50). It will appear from the annexed statement marked C. Your committee would not do justice to themselves, were they not to express their satisfaction with the cautious and impartial manner in which the Board of Directors have discharged the trust reposed in the distribution of the funds of the institution, to the several counties applying for the same: all of which is very satisfactorily explained.

JOHN VINING, *Chairman,*

GEO. WEISAGER,

THO. CASEY, *Chairman of 1<sup>st</sup> Senate.*

JOS. B. EARLE;

JACK SHACKLEFORD.

In which report the House concurred: *Ordered* that two hundred copies thereof be printed for the use of this House.

Mr. Martin obtained leave to introduce a bill to be entitled, an act to alter the time of holding the county courts of Franklin county, which was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to a select committee, whereupon Messrs. Forrest, Martin and Collier were appointed said committee.

Mr. Lewis obtained leave to introduce a joint resolution, removing the injunction of secrecy imposed on the two Houses in relation to the report of the joint committee in relation to the State Bank, which was read a first time, and the rule requiring bills &c. to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time and passed. *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Ross presented his protest, which was considered by the House as being out of order.

Mr. Greening then offered the following resolution: *Resolved* that the protest of Jack F. Ross, now presented against the decision of the majority of this House, refusing to spread on the journals, a letter from Mr. Hitchcock in relation to the Tombekke Bank, shall not be spread on the Journals, because the right to spread the same on the Journals, is not secured by the constitution, which was adopted, years 39—says 18.

The yeas and nays being desired. Those who voted in the affirmative are.

Messrs. Speaker Arklen Anderson Bradford Brown Broadnax Celin Connor Coopwood Daniel Davis Dennis Durrett Ellis Forrest Greening Higgins Jack Isely M'Vay of Land M'Vay of Law Massey M'Rae of Frank Moore of Jack Moore of mad. Paulding Price Rainey Rather R. Richardson Russell Robertson Sargent Smith of mad. Vaughan Vining Walker Ward Weinger and Wiggins, 39.

Those who voted in the negative are.

Messrs. Collier Edmondson Harris Lewis Martin Perkins Ross Robertson Sharp Stone Tarver Tapp and Walthal, 13.

Mr. Ellis from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to encourage the raising volunteer companies in the county of Morgan; an act providing for the payment of Solicitors for prosecuting to conviction slaves charged with capital offences, and an act for the benefit of the estate of Daniel Davis deceased, late of Monroe county, all of which originated in this House.

Mr. Forrest from the select committee to which was referred a bill to be entitled, an act supplementary and explanatory of an act to establish a seventh judicial circuit, and for other purposes, reported the same with the following amendments, by striking out all the first section of the bill, except the enacting clause; also by striking out the words "be it further enacted," at the commencement of the second section of the bill; the committee have also amended the caption of the bill as herewith shewn, in which amendments the House concurred; the bill was considered as engrossed, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time and passed: *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

On motion of Mr. Rainey, resolved that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly, will be ready to adjourn Sine die, on this evening or tomorrow, if he has no further communications to make them, whereupon Messrs. Rainey Moore mad. and Rather, were appointed said committee.

Mr. Ross offered the following preamble and resolution: whereas the House of Representatives have refused to give publicly through their journals, to the evidence in the matter of the investigation of the official conduct of the Hon. Abner S. Lipscomb, predicated on charges preferred against him by George F. Scher: Therefore be it resolved, That the Hon. Abner S. Lipscomb be, and he is hereby authorized to deliver, or cause to be delivered, copies of the evidence, documents, and proceedings, in connection with the investigation into his official conduct, and that no be a charge of per-



lish the same, if he should think proper to do so at his own expense. Mr. Campwood moved to amend the resolution, by striking out the preamble, and the word "therefore," which was lost; it was then adopted.

Ordered that Mr. Stone have leave of absence after tomorrow morning.

Mr. Terry moved to reconsider the vote taken on the adoption of Mr. Weisinger's resolution, introduced on Saturday last, in relation to the Sp. akers certifying the pay of members, which was carried; it was then laid on the table.

Engrossed bill from the Senate entitled, an act for the relief of Richard Corre, John Duncan jr. & Henry Center was read a third time & passed.

Ordered, that the Clerk acquaint the Senate therewith.

NIGHT SESSION 7. O'CLOCK.

The House met pursuant to adjournment.

Mr. Brown offered the following resolution: *Resolved*. That the thanks of this House are due to the Hon. Samuel W. Oliver for the able impartial and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the chair during the present session of the Legislature which was adopted.

Ordered, that the House concur in the amendment made by the Senate to the bill entitled, an act to revive in part a certain act therein specified by striking out all after the enacting clause and substituting an amendment in lieu thereof.—Yeas 30. Nays 23.

The Yeas and Nays being desired, those who voted in the affirmative are, Messrs. Bell Bradford, Bonnell Conner Cook Campwood, Daniel, Dennis, Duke Edmandson Harris Lawler Martin M'Vay of Land, M'Vay of Law, M'Vay of Frank, Moore of mad, Rainey Rader Robertson Russell Sargent, Sharp Smith of mad, Terry Vining Walker Ward, Weisinger, and Wiggins—30.

Those who voted in the negative are,

Messrs. Acklen Anderson Brown Broadnax Colgin Collier Davis Durrett E. Greening Higgins Jack Kelly Lewis, Massey Moore of Jack, Paolding Perkins Price Richardson Ross Vaughan Wathal—23.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon.

Mr. SPEAKER—The Senate adhere to their disagreement to the amendment made by the House of Representatives to the bill entitled an act defining the liability of endorsers; and have appointed a committee on their part consisting of Messrs. Crabb, Earle and Jones, to confer with such committee as may be appointed by the House on the subject of said amendment. They have passed bills &c. which originated in the House of Representatives, entitled an act to provide for the payment of certain expenses therein mentioned; joint resolution to remove the injunction of secrecy imposed on the two Houses, in relation to the report of the joint committee on the state Bank; an act to allow further time to the tax collector of Madison county to collect and pay over the taxes of that county for the year 1827; an act making appropriations for the year 1823; and have amended the same by striking out "eight hundred;" the amount appropriated to the state Architect, and inserting "one thousand;" in which they ask your concurrence; also report and joint resolutions in relation to the boundary line between this state and Georgia; joint remonstrance on the subject of instructions lately given from the Treasury Department relative to the funds receivable for public lands; a joint resolution to authorize the erection of the state Capital in Broad street; an act prescribing the mode of ascertaining the sense of the citizens of this state, on the proposed amendment to the constitution of this state, limiting

the tenure of the Judges to seven years: an act explanatory of the 14th and 21st sections of an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, approved Jan. 13th 1827: an act for the relief of Charles Pearson, tax collector of Lawrence county: and have amended the same in the manner herewith shown: in which they desire your concurrence: also an act to divorce Jane Gholson from her husband, John Gholson. They have adopted the following resolution in which they desire your concurrence: Resolved that a committee be appointed on the part of the Senate, and with such committee as may be appointed on the part of the House of Representatives to wait on His Excellency the Governor, and inform him that the two Houses have given the right the business before them, and will be ready to adjourn sine die on Thursday the 15th inst. — if his Excellency has no other communications to make they have appointed on their part, Messrs. Cass and Marshall. They have passed a bill which originated in the House of Representatives, entitled an act making appropriations for certain claims against the state, and have made therein sundry amendments in which they desire your concurrence. And then he will draw.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit: an act to change the times of holding the county courts of Jefferson, Henry and Dale counties: an act the better to regulate judicial proceedings: an act to amend an act entitled an act to incorporate the school commissioners of the 4th township and 8th range west from Huntsville, and for other purposes: an act regulating the fees of attorneys at law, and for other purposes, an act authorizing a lottery for the purpose of building an academy and court house in the county of Henry: an act to provide for reports of the decisions of the supreme court: an act concerning the owners and keepers of mills and other water works in Limestone county: an act concerning the registration of deeds and patents: an act to authorize the building of a Jail in Morgan county: an act to authorize John Smith of Jefferson county to emancipate a certain slave therein named: an act for the further relief of securitites: an act to provide for the speedy collection of debts due to the Bank of the state of Alabama in certain cases: an act to incorporate the Franklin Academy, in the town of Russellville, Franklin county: an act to authorize James Thompson and his associates to open a turnpike road therein named: an act regulating judicial proceedings: and a joint resolution authorising a farther investment of University funds: all of which originated in the Senate.

Mr. Weisinger from the select committee to which was referred a resolution instructing them to inquire for, and obtain certain title papers to real estate, executed by the citizens of Tuscaloosa to the state of Alabama, with power &c. Reported that James L. Thornton Secretary of State, being called, states that the said papers were taken from his possession, by resolutions of the last session of the Legislature, since which time he knows nothing of their disposition; though he has made different examinations with much solicitude amongst the papers of the last session of both Houses of the General Assembly: James H. Dearing being called on, states that he knows nothing of the said papers; Hardin Perkins states that he recollects of having two of them in his possession, at the last session of the Legislature, which he handed to Leven Powell, a member of the Senate for the use of the Senate, after which time he made particular examination, amongst the clerks papers of the last session: Leven Powell states that he recollects of receiving two of said papers from Hardin Perkins, and that he returned them to the House, or some member thereof at



terwards John L. Tindall states that he has no knowledge of the papers since they were taken from the office of the Secretary. Your committee very much regret that they are not, after diligent inquiry, able to obtain any satisfactory information concerning said papers; they therefore ask leave to be discharged from the further consideration of the subject, and to recommend to the House the adoption of the following resolution: *Resolved*, that the Secretary of State and Comptroller, or, in default, any every exception to ascertain in what manner the papers referred to have been withdrawn, and where they may be found, and to report the result of their inquiries to this House at the next session of the General Assembly; which resolution was adopted by the House, and report occurred in.

Mr. LaRae of Frank, obtained leave to introduce a bill to be entitled, an act to amend an act concerning the town of Tusculum, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, it was then considered as engrossed, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered* that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

*Ordered* that the House concur in the amendment made by the Senate to the bill entitled, an act making appropriations for the year 1825, by striking out "eight hundred dollars," and inserting "one thousand dollars," the allowance to the State Archivist; *ordered* that the House concur in the amendments made by the Senate to the bill entitled, an act for the relief of Charles Pearson, tax collector of Lawrence county, by adding thereto a proviso at the end of the bill, *ordered* that the House concur in the resolution of the Senate, proposing to adjourn the date to day; *ordered* that the House concur in the amendments made by the Senate to the bill entitled, an act making appropriations for certain expenses against the State; they disagree to the amendments made by the Senate to said bill in relation to the allowance to John Buchanan; they disagree as to the allowance of C. Sharp; they disagree as to the amendment made to said bill, in relation to the allowance made to Thomas Davis, it was then referred to the committee on accounts. Mr. Ross moved to add a member to the committee on accounts.

Mr. Greening was then added to the committee on accounts; *Ordered*, that Mr. Jack be added to the committee on accounts.

Mr. Ellis from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following title, to wit: an act to amend an act entitled an act, respecting bail in civil cases, passed 9th December, 1823; an act to provide compensation for a person to transcribe and arrange the records of the Clerk's office, of the county court for the counties of Dallas and Henry; and a joint resolution concerning the furniture of both Houses of the General Assembly, all of which originated in this House.

A message from the Senate by Mr. Lyon.

Mr. Speaker—The Senate have passed bills which originated in the House of Representatives entitled, an act to amend the law in relation to original attachments; an act better to provide for the trial of the right of property, and for other purposes; and an act to amend an act entitled an act concerning the town of Tusculum.

It is directed by the Senate, to inform your Honorablebody that they will be ready to adjourn sine die on tomorrow at 11 o'clock which was



laid on the table. And then the House adjourned until tomorrow morning half past o'clock.

TUESDAY JANUARY 15th, 1828.

The House met pursuant to adjournment.

Mr. Greenleaf from the committee on accounts to which was referred a bill to be entitled, an act making appropriations for certain claims against the State together with the amendments made to said bill by the Senate, reported the same with the following and identical strike out the last section added to the bill by the Senate and insert the following, and another section, in which report the House concurred.

*Resolved*, that the House disagree to the amendment made by the Senate to said bill in relation to allowance made to the heirs of Lawrence county.

Mr. Sharp who voted in the majority moved to reconsider the vote given on concurring with the amendments made by the Senate to said bill in relation to the allowance to John Dickens.

Mr. Vining moved to reconsider vote given on concurrence with the amendments made by the Senate to the bill in relation to the allowance of Fidelity & White pector of Madison county which was carried.

Mr. Vining then moved to amend the amendment of the Senate by adding four dollars making the whole amount eight hundred and forty four dollars and forty cents.

*Ordered*, that the clerk announce the Senate therewith.

Mr. Ratner moved to reconsider the vote taken on concurring in the amendment made by the Senate to the bill in relation to the 1st section.

Mr. Ratner, who voted in the majority, on the adoption of the amendment made by the Senate to the bill in relation to the allowance made to the Sheriff of Mobile county which was carried. The amendment was then disagreed to. They concur in all the amendments to said bill by section.

Mr. Ratner, from the committee appointed on the part of this House to act with such committee as may be appointed on the part of the Senate to enquire into the efficiency the Governor and inform him that the two Houses of the General Assembly will be ready to adjourn *since the* on to day have performed that duty and received for answer that he has no further communication to make.

A message from the Governor by James I. Thornton, which is as follows:—January 14th 1828.

*For Speaker*—The Governor did on the 12th inst. approve and sign the following bills, an act to repeal an act to provide for the payment of judgments in the counties therein named and for other purposes passed December 23rd 1824, as far as the same applies to the county of Adair and for other purposes, an act to incorporate the Trustees of Oak Grove Academy of Perry County, an act to authorize William Hynes to sell & convey a certain tract of land therein mentioned and for other purposes, an act to appoint Commissioners to lay out a road therein specified, an act for the relief of Andrew D. Hosen, an act to place a certain road therein named under the control of the commissioners court of revenue and roads of Shelby county, an act to authorize Wyman Harper administrator of William Bates deceased to sell and transfer real estate, an act to repeal Report and amend an act entitled, an act respecting slaves passed March 6th 1825, an act providing for the election of a Sheriff in Blount County and for other purposes, an act to repeal in part a certain act therein

named, an act to authorize the election of an additional Constable in the beat including the town of Clathore, an act, to authorize Jesse Lott to continue a Toll Bridge erected over Dog River in the county of Mobile, an act to provide for the payment of petit jurors in the county of Jefferson, an act to repeal in part and amend an act entitled, an act, to establish a certain road therein designated, an act to regulate the payment of petit jurors in the county of Washington, an act to authorize the commissioners of revenue and roads of Mobile county to levy a special tax and for other purposes, all of which originated in the House of Representatives and then he withdrew, and then the House adjourned until twelve o'clock.

TWELVE O'CLOCK.

The House met pursuant to a adjournment.

A message from the Senate by Mr. Lynn.

Mr. Speaker.—The Senate have passed the bill entitled, an act supplemental to an act to establish the dividing line between the counties of Tuscaloosa and Bibb according to the existing laws passed the present session and have amended the same by proviso so that Bibb county shall pay the expense of said commissioners. They have passed a bill which originated in the House entitled, an act to provide for the transfer of Stock issued by the State and for the renewal of lost certificates thereof. In which they desire your concurrence.

They have also passed bills which originated in the House of Representatives entitled, an act, to divorce Pechenia Coursey from her husband James Coursey, an act giving further time for filing county claims an act to alter the time of holding the county court of Franklin County an act for the relief of Samuel Batters. They recede from all their amendments to the bills entitled, an act, making appropriations for certain claims against the State which were disagreed to by the House.

They have passed a joint resolution in relation to accounts and claims. In which they desire your concurrence.

They have also passed a bill which originated in the House entitled, an act to divorce Thomas J. Snowden from Tabitha Snowden.

They recede from their disagreement to the amendment made by the House to the bill entitled, an act defining the liability of endorsers and for other purposes, and then he withdrew.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled, an act supplemental to an act to establish the dividing line between the counties of Tuscaloosa and Bibb according to the existing laws passed the present session.

Engrossed bill from the Senate entitled, an act to provide for the transfer of Stock issued by the State and for the renewal of lost certificates thereof was read a first time and the rule requiring bills &c. to be read on three several days being dispensed with, it was read a second time, and the rule being in it dispensed with, it was then read a third time and passed.

Ordered, that the clerk acquaint the Senate therewith.

Engrossed joint resolution from the Senate in relation to accounts & claims was read a first time.

Mr. McVay of Laud moved that the resolution lie on the table which was carried.

Mr. Kelly made the following report:—The committee of conference on the disagreement between the two Houses in relation to the amendment of the act of Representatives to the bill defining the liability of endorsers and for other purposes have met and agreed to recommend that the Senate recede from its disagreement to the said amendment.



Mr. Ellis, from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles to wit: an act explanatory of the 11th and 21st sections of an act introduced into one the several acts concerning roads bridges ferries and highways approved Jan'y. 12th, 1827, an act to amend an act concerning the town of Tusculum, an act to divorce Jane Gholson from her husband John Gholson, an act to allow further time to the tax collector of Madison County to collect and pay over the taxes of that county for the year 1827, an act for the relief of Richard Corrie John Duncan jr. and Henry Center, an act to provide for the payment of certain expenses therein mentioned.

A joint resolution to authorize the erection of the State Capital on Broad Street, an act to amend the laws in relation to original attachments an act the better to provide for the trial of the right of property & for other purposes.

A joint remonstrance on the subject of instructions lately given from the Treasury Department relative to the lands receivable for public lands, an act prescribing the mode of ascertaining the sense of the citizens of this State on the proposed amendments to the constitution of this State limiting the tenure of the Judges to seven years:—Report and joint resolutions in relation to the boundary line between this State and Georgia, an act to revive in part a certain act therein specified an act making appropriations for the year 1828, an act for the relief of Charles Pearson tax collector of Lawrence county.

A joint resolution to remove the injunction of secrecy imposed on the two Houses in relation to the report of the joint committee on the State Bank and, an act relative to the nullification of executions.

On motion of Mr. Lawler: Resolved, that the Senate be informed that this House will be ready to adjourn *Sine Die* at 2 o'clock this evening.

A message from the Governor by James L. Thornton.

JANUARY 15th-1828.

Mr. Speaker.—The Governor did on this day approve and sign the following bills, an act to abolish and establish a certain election precincts therein mentioned, an act for the relief of John Wood, an act to authorize the sales of sixteenth sections and for other purposes, an act to alter the times of holding company Courts martial; an act to incorporate Barkers encampment of Knights Templar, an act to emancipate certain slaves therein named, an act to amend an act entitled an act respecting bail in civil cases passed 9th December 1823, an act to establish a road from Mr. Murray's old saw mill on the shades creek in Jefferson county to Charles Mundines in Shelby county.

Joint resolution concerning the furniture of both Houses of the General Assembly, an act to alter the time of holding the county courts of Montgomery county, an act concerning the duties of Clerks of the county courts and other officers, an act to amend the act incorporating the town of Milledgeville, an act to incorporate the Hibernian benevolent society of Mobile, an act to amend and explain an act entitled an act to establish a seventh Judicial circuit, an act to authorize the Judges of the county court and commissioners of roads and revenue to fill vacancies in certain cases, an act to authorize the Judge and commissioners of St. Clair county to levy a tax for the purpose therein mentioned, an act for extending the time granted to John Fowler for running a Steam Ferry Boat and a Bar Boat as Bail Boat between the City of Mobile and the town of Blakely by an act approved



25th December 1822, an act for the relief of Joseph Owens, an act supplementary to an act entitled an act to establish a road from Pontecavallo to Greensborough approved Jan'y. 12th 1827, an act to authorize the Governor to cause bonds taken for public arms to be renewed and for the distribution of the public arms.

Joint memorial to the Congress of the United States, asking permission for the Trustees of the University of Alabama to select other lands in lieu of those herein mentioned.

A joint remonstrance to the Congress of the United States against the power assumed to protect certain branches of domestic industry at the expense of others and the policy of the measure.

A joint resolution authorizing the Governor to order the Quarter master General of this State to deliver a Field piece to the Artillery company at Claiborne and for other purposes, an act providing for the payment of Solicitors for prosecuting to conviction Slaves charged with Capital offences, an act to encourage the raising Volunteer companies in the County of Morgan, an act, for the benefit of the estate of Daniel Davis deceased late of Monroe county, an act to provide compensation for a person to transcribe and arrange the records of the Clerks office of the County Court for the County of Dallas, an act to provide for the establishment of the permanent seat of Justice in the County of Walker, an act relative to the estate of Isaac Edwards late of Camerun county deceased, an act for the relief of Robert H. Rose, an act to establish the 32d, Regiment of Alabama Militia; an act to emancipate certain persons therein named, an act to amend the 3rd section of an act passed at the last session of the Legislature to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia all of which originated in the House of Representatives.

Mr. Ellis, from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles to wit: an act to divorce Parthenia Coursey from her husband James Coursey, an act to alter the times of holding the County Courts of Franklin County, an act to divorce Thomas J. Snowden from Tabitha Snowden, an act giving farther time for filing County Claims, an act, for the relief of Samuel Battles, an act making appropriations for certain claims against the State, an act defining the liability of endarsers and for other purposes and, an act to provide for the transfer of Stock issued by the State and for the renewal of lost certificates thereof, an act supplementary to an act to establish the dividing line between the counties of Tuscaloosa & Bibb according to the existing laws passed the present session, all of which originated in this House.

A message from the Senate by Mr. Lynn,

Mr. Speaker:—The Senate having completed the business before them are now about to adjourn *Sine Die*. The business of the session being now finished, Mr. Anderson moved that this House adjourn *Sine Die* which was carried. A message from the Governor by J. I. T.

JANUARY 15, 1828.

MR. SPEAKER:—The Governor did, on this day, approve and sign the following bills: an act supplementary to the several acts now in force in relation to public weighers of cotton in the city of Mobile: an act authorizing a lottery for the purpose of establishing a free school on the L'auriston plan of tuition in the town of Huntsville, and the purchasing a clock

for the use of said town, an act declaring the effect of notarial protests; an act to provide for keeping in repair a certain road therein mentioned; an act changing the time of holding the county courts in Greene and Perry counties; an act to amend in part and repeal in part an act to establish the town of Whitesburg and incorporate its trustees; an act to incorporate a volunteer company under the name and style of the "Monroe Rifle Company;" an act giving additional powers to the commissioners for superintending the erection of the State Capitol, and for compensating the superintendent; an act to provide for the preservation of the public arms; a joint memorial to Congress on the subject of public lands; joint resolution instructing his Excellency the Governor, to cause the remains of the late Israel Pickens, to be removed from the Island of Cuba to his late residence in Greene county; an act making appropriations for the year 1823; an act to amend an act to regulate the licensing of physicians to practice, and for other purposes, approved December 23d, 1823; an act relative to volunteer companies in the militia of this state, and for other purposes; an act to explain and amend the 2d section of an act passed December 13 1819, entitled an act to establish certain counties therein named, and for other purposes therein mentioned; an act for the relief of Charles Pearson, tax collector of Lawrence county; a joint resolution to remove the injunction of secrecy imposed on the two Houses in relation to the report of the Joint committee on the State Bank; an act supplementary to the act entitled an act to amend an act to establish the Bank of the state of Alabama, approved December 20th, 1823; an act to establish the dividing line between the counties of Bibb and Tuscaloosa, according to the existing laws; an act providing at what place land and negroes taken in execution shall be sold in the county of Tuscaloosa; an act to repeal in part an act passed March 1804, and re-enacted with amendments February 1807; an act explanatory of the 11th and 24th sections of an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, approved January 12th, 1827; an act to revive in part an act therein specified; an act making appropriations for certain claims against the state; an act to divorce Thomas J. Snowden from Tabitha Snowden; an act for the relief of Samuel Battles; an act to alter the times of holding the county court of Franklin county; an act giving further time for filing county claims; an act supplementary to an act to establish the dividing line between the counties of Tuscaloosa and Bibb, according to the existing laws passed the present session; an act to divorce Jane Gholson from her husband John Gholson; an act to amend the law in relation to original attachments; a joint resolution to authorize the erection of the state Capitol, in Broad street; an act to divorce Parthenia Coursey from her husband James Coursey; an act to provide for the payment of certain expenses therein mentioned; an act the better to provide for the trial of the right of property, and for other purposes; a joint remonstrance on the subject of instructions lately given from the Treasury department, relative to the funds receivable for public lands; an act to amend an act to incorporate the town of Montgomery; an act to amend an act entitled an act concerning roads, highways, bridges, and ferries, in the County of Mobile; an act prescribing the mode of ascertaining the sense of the citizens of this state, on the proposed amendment to the constitution of this state limiting the tenure of the Judges to seven years; an act to allow further time to the tax collector of Madison county to collect and pay over the taxes of that county for the year 1827.



Mr. Speaker presented his acknowledgments to the House, for the honor conferred on him, in calling him to preside over its deliberation; and then pronounced that the House was adjourned *sine die*.

**SAMUEL W. OLIVER.**

*Speaker of the House of Representatives.*

**THOMAS B. TUNSTALL.**

*Clerk of the House of Representatives.*

### A Supplemental Journal,

Of so much of the proceeding of the House of Representatives, as pending their consideration were ordered to be kept secret, but respecting which, the injunction of secrecy was afterwards removed by joint resolution.

FRIDAY, JANUARY 11, 1828.

The lobby being cleared, and the doors being closed, the House went into the consideration of the Report of the Joint Committee on the Bank of the State of Alabama. Mr. Greening moved to strike out so much of said report as relates to the doubtful and bad debts due the Bank. A division of the question being called for, the vote was first taken on striking out; which was carried. Yeas 33—nays 21. The yeas and nays being desired; those who voted in the affirmative are,

Messrs. Speaker, Able, Anderson, Bell, Brown, Bradford, Collier, Conner, Cook, Cooper, Daniel, Davis, Duke, Edmundson, Harris, Kelly, Lawler, Massey, Moore of Jack, Moore of Land, Perkins, Quincy, Rather, Richardson, Russell, Sargent, Smith of Clark, Stone, Vaughan, Weisinger and Wiggins—33.

Those who voted in the negative are,

Messrs. Bridges, Collier, Craig, Davis, Darrell, Duke, Edmundson, Harris, Lewis, Martin, McRae of Frank, Moore of Land, Perkins, Ross, Robertson, Sharp, Smith of Land, Tarter, Turner, Vining, Walcott.

Mr. Jack then moved to strike out of said report in relation to the bad and doubtful debts due the Bank, from the word "and" to the word "fifty" inclusive which was lost. Yeas 26—nays 30. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Anderson, Bradford, Broadhead, Collier, Conner, Cook, Cooper, Daniel, Davis, Duke, Greening, Higgins, Jack, Lawler, Massey, Perkins, Quincy, Rather, Richardson, Russell, Sargent, Smith of Clark, Vaughan, Weisinger and Wiggins—26.

Those who voted in the negative are,

Messrs. Acklen, Bell, Brown, Bridges, Bradford, Collier, Craig, Davis, Darrell, Ellis, Edmundson, Harris, Kelly, Lewis, Martin, McRae of Land, McRae of Frank, Moore of Jack, Moore of Land, Ross, Robertson, Sharp, Stone, Tarter, Terry, Vining, Walker, Walcott and Ward.

Mr. Jack then moved to strike out of said report in relation to bad and doubtful debts due the Bank from the word "committee" to the word "cent" inclusive; which was lost. Yeas 22—nays 34. The yeas and nays being desired, those who voted in the affirmative are,

Messrs. Speaker, Anderson, Bradford, Broadhead, Collier, Conner, Cook, Cooper, Daniel, Davis, Ellis, Greening, Higgins, Jack, Massey, Perkins, Quincy, Rather, Richardson, Sargent, Vaughan, Weisinger and Wiggins.

Those who voted in the negative are,

Messrs. Acklen, Bell, Brown, Bridges, Bradford, Collier, Craig, Daniel, Davis, Darrell, Duke, Edmundson, Harris, Kelly, Lawler, Lewis, Martin, McRae of Land, McRae of Frank, Moore of Jack, Moore of Land, Ross, Robertson, Ross,



*sell. Sharp, Smith, of Clarke, Smith of mad. Stone Tarver: Terry, Vaughn, Walker, Wallcut and Ward.*

SATURDAY, January 12, 1828.

Mr. Terry moved to reconsider the vote taken yesterday on Mr. Greening's motion to strike out all that part of the report of the Bank Committee in relation to the bad and doubtful debts due the Bank; which was carried. Yeas 40—nays 15. The yeas and nays being desired, those who voted in the affirmative are,

Adams, Allen, B. H. Collier, Craig, Durrett, Edmundson, Harris, M'Vay of La. A. Moore of mad. Richardson Ross, Robertson, Russell Smith of mad. Vining and W. H. H. and Wiggins—40

Those who voted in the negative are,

Masses, B. H. Collier, Craig, Durrett, Edmundson, Harris, M'Vay of La. A. Moore of mad. Richardson Ross, Robertson, Russell Smith of mad. Vining and W. H. H. and Wiggins—40

M. Kelly offered the following preamble and resolution: Further information having rendered it probable that some of the debts considered doubtful by the Joint Committee appointed to examine the State Bank, ought not to be so considered, but on the contrary, should be considered good. *Be it therefore resolved*, with the concurrence of the Senate, that the report of the said committee be re-committed for the purpose of revising that part of the same that relates to bad and doubtful debts; which was adopted: the report was then laid on the table. The doors were then opened and the House proceeded to business.

The following are copies of the opinions of Eldridge S. Greening and William K. Kelly, a part of the select committee appointed by the House of Representatives, to investigate the official conduct of the honorable Abner S. Lipscomb, one of the Judges of the Supreme Court, on charges preferred against him by George F. Sells, Esq. which were ordered to be spread on the Journal, by a resolution passed on the 14th January 1828. OPINION of Eldridge S. Greening Esq. on the point whether a Judge at chambers, in term time, for a contempt offered to him, can under the statute in such case made and provided, inflict any imprisonment on the offender, beyond six hours.

The question requiring the decision of this committee, as to the power of a Circuit Judge to imprison for a longer time than six hours, for a contempt offered to his person in the recess of court; I do not consider to effect materially the report which it is our duty to make on the charges preferred against Judge Lipscomb. It is important however, that the question should be speedily and correctly settled, that the Judges may confine themselves within the limits prescribed by law, or exercise a power which is no longer disputed. I differ in opinion from a majority of the committee upon the question now presented; and as the reputation of each member of this committee, as well as the character of the accused, is involved in this investigation, I must be permitted to exercise the right of entering of our journals, the reasons that have induced me to from this opinion.

I am authorised by the common law and statutory provisions, to divide all contempts into three classes: 1st, those that are consequential or constructive.—2d, those that are direct to the court; and 3d, those that are direct to the person of a Judge. I cannot for a moment believe that a Circuit Court, only possesses the power to punish for contempts under

the statute of 1807, to contend for the doctrine that the courts possess no power to punish for contempts, unless such power is conferred by this statute, would be to contend for a doctrine, that would lead to the destruction of powers essential to the administration of justice!

Under the common law, any disobedience to the order or process of a court, is a contempt of court, for which the offender may be punished for a longer time than twenty four hours, without the intervention of a jury, and the exercise of this power by the courts in this country, cannot be denied. Indeed it is essentially necessary that this power should be exercised, in order to the proper administration of public justice. I will illustrate my views upon this subject, by stating a few cases. A Sheriff is required to return process into court, which he refuses to return; this is a contempt of court; for which by the aid of an attachment, he may be punished with imprisonment, until the process is returned into court. A defendant in chancery refuses to answer a bill filed against him: this is a contempt of court, for which he may be imprisoned until he answers the bill. The same remark may be made, in relation to a decree in Chancery, which the defendant refuses to submit to; the court is certainly authorised to imprison the defendant, until he complies with the decree. The cases of contempts, to which I have here adverted and others of a similar character, are certainly consequential in their nature, and may be punished as at common law, without any regard to the act of '807.

By the common law, courts of record possessed the power to punish for contempts in court. A contempt of this character, cannot be considered as consequential, but must be viewed as a direct contempt to the court. By the common law, the punishment for a contempt in open court is not defined, it must therefore be left to the discretion of the court, inflicting the punishment. It was to guard against the abuse of this power, and to restrict the exercise of it, that the second section of the act of 1807 was enacted. It may be proper to remark, that consequential contempts may be divided into two classes. Whenever a duty is required to be discharged by law, or the judgment or decree of the court, and the person required to perform this duty, or to obey this decree, neglects or refuses to do so, the party offending may be punished under the rules of the common law as above stated. But whenever a contempt is offered, which is clearly consequential, and is not governed by any fixed rule, I incline to the opinion that the punishment should be controlled by the second section of the before recited act. For instance, if an effort was made to bribe a Clerk in entering up a judgment, although this effort might be made in the recess of the court, while the Clerk was engaged in bringing up the proceedings, it would certainly amount to a contempt of court; and inasmuch as it was not offered in open court, it must be considered as a consequential contempt. I will state another case, in illustration of my views of the question. A Judge had ordered a recess in the business of the court, that he might deliberately investigate certain legal principles upon which it was his duty to decide. Some person, for the purpose of interrupting the deliberations of the judge and of obstructing the proceedings for justice, was to conduct himself in such manner as to delay, or produce an erroneous decision; I should certainly regard this conduct, as a contempt of court. These cases, and others of a similar nature, must be regarded as contempts of court, (widely different however, from such as might be offered by a Sheriff in refusing to return a process, or by any person in refusing to obey the order or decree of courts,) and could only be punished by the second section of the act of 1807.

In any case, in which a contempt is offered to the court, whether in or out of court, it is apparent that the judge could only order the punishment to be inflicted in open court. If the punishment was ordered by the judge in the recess of court, the contempt must be personal in its nature, otherwise the punishment could only be inflicted in open court.

I will now proceed to notice the third section of the act of 1867, and which brings me directly to the consideration of the question before the committee. Under the common law, a judge had no power to imprison for any contempt or indignity offered to his person or to the court, to protect the persons of our judges; from a personal insult and abuse, this section was enacted, and it cannot escape the notice of the slightest observer, that the second and third section are adopted, it contradicts each other—the one limiting the punishment, where the contempt is offered to the court, and the other conferring the power to punish when it is offered to the person of the judge. Many efforts have been made to induce us to believe, that the term of a court is to be considered as only one day; and that therefore, any contempt offered to the person of the judge during the term of the court, is a contempt of the court. For certain legal purposes, it may be conceded that the term of a court, is to be regarded in law as but one day; but I can never sanction the doctrine, that the person of a judge is to be considered during the term, as the court. A judge in the recess, may indulge in every social dealing with his friends; he may amuse himself in any manner, that his inclination may suggest; and yet, it is contended, that in every character in which he may appear, he is still the court, and carries with him the high attributes of a court. I cannot recognize the correctness of such assertions; and, to shew their fallacy, I will state a case, which although it is a strong one, will test the correctness of the argument advanced on the other side. A judge who is indulging himself with his associates, over the social bowl, receives a direct and personal insult from one of his companions, can it be seriously contended, that this would amount to a contempt of court? It might be considered as a contempt of the person of the judge, but certainly not a contempt of court. The abstract question is presented for our determination, whether or not, a contempt offered to the person of a judge is to be considered as a contempt of court, if offered in the recess of court. I have no hesitation in advancing the negative opinion. In the remarks which I have submitted, it will be perceived that I have endeavored to draw the distinction, between a contempt offered in the recess, for the purpose of influencing the proceedings of the court, and a contempt offered in the recess to the person of the judge only. This distinction must be drawn in order to arrive at a proper conclusion.

In the view, which I have taken of this subject, I may be mistaken; and I am disposed to doubt the correctness of my own judgment, when I find myself in opposition to gentlemen whose opinions are entitled to great respect. Entertaining however, the opinion which I now advance, I should be unworthy the confidence reposed in me as a member of this committee by the House of Representatives, if I did not advance and endeavor to maintain this opinion.

That I should differ in opinion from a majority of the committee, in any of the principles that may be advanced in the report, is to me a source of regret; I am gratified however, to know, that although we may differ on this question, that we all agree in sentiment, that no necessity exists, for the interposition of the constitutional power of the House of Representatives.



I cannot be insensible of the fact, that it may be said, that if I entertain the opinion which I have here advanced, that I must believe, that Judge Lapscomb is guilty of a misdemeanor, in order by the imprisonment of Mr. De Wolf, at Washington court. This conclusion does not follow by any means. The opinion which I entertained may be incorrect, as to the length of time, that the Judge was authorised to imprison under the statute; and whether or not, I am correct, I would be unwilling to resort to constitutional means to effect his removal from office, unless his conduct towards Mr. De Wolf proceeded from a wish to oppress him; there has been no legal adjudication within our state, as to the power of a Judge to imprison in the recess of court, beyond six hours; nor has any opinion been expressed upon this question, by either of the Departments of the Government. No rule then has been prescribed for the government of the Judges, unless they violate an established rule for the purposes of tyranny and oppression, the same justice which they administer to others will protect them in safety.

December 27th 1837.

Signed, ELDRIDGE S. GREENING.

By William Kelly, Esq.

The proof shows clearly that Samuel De Wolf was imprisoned four times by order of Judge Lapscomb on the last circuit—one time at domestic and three times at Washington court—as to the first, I do not say that there can be no objection to the order was made in open court for the long continued and gross oppression of commerce, the face of the court, and calculated to excite the jealousy of the Judges, and to deprive the salary power of the law—as to the second, in general the state has not attempted to detain him, but has limited the power of the court—in the second, to a fine of twenty dollars, and 24 hours imprisonment, and as a greater amount of a Judge's time is assessed and ascertained by the verdict in a jury and another section enacts that no Judge or Justice of the peace, shall have power to detain more than six dollars of imprisonment than six hours for any contempt ordered to him. In proof of this Judge Lapscomb committed De Wolf to prison on Monday evening, the first day of Washington court for 24 hours—under that order he was confined until Tuesday morning. The order of commitment was made at the Judge's room and not for any thing that happened in open court but for highly improper and offensive conduct on the part of De Wolf in the public tavern, in the room adjoining the Judge's apartment—the second order, that the commitment was in writing commanding him to commit De Wolf to prison for 24 hours, without assigning any cause for the same—on Tuesday morning he was released, and on that day as the Judge was going to dinner just as he entered the public room of the tavern, De Wolf being then drunk, laid his hands rudely on the shoulders of the Judge, and impeded his progress, for which the Judge immediately turned to the door and called to the sheriff, who was close by, and gave him a verbal order to commit De Wolf again to prison for 24 hours, and he committed him accordingly, and detained him until the next morning—upon a candid examination of the law, I find it is not liable to approve of either of these commitments because in my opinion they were for contempt, as to the Judge and not to the court, and if I am correct in this supposition it is very clear that the Judge for a contempt to him was only authorised to imprison for six hours, and because no authority at all was made out in one case and in the memory of the plaintiff he clear claims different one in the other. The naked order of the Judge to commit is not sufficient—the cause of the commitment must be stated in the warrant of commitment, whether it be for crime or contempt—a verbal order to commit as a final judgment would be no justification to the jailor for an action for false imprisonment, nor a written order to commit, assigning no cause for it—suppose another circuit Judge had been at hand, and De Wolf had obtained his Habeas Corpus, and the written order to commit without assigning any cause in the one case and the verbal order of the Judge in the other had been alleged as the only ground of detention, it is most clear that he would have been compelled to discharge the prisoner, for this defect in the manner of committing, without regard to the merits of his conduct—the safety of the Judge and the citizen requires that the cause of commitment should be plainly and fully expressed in the written warrant—if a citizen can be held under any process of imprisonment without showing the cause, his liberty is insecure, and if the Judge who ordered the commitment, for the sheriff or jailor who obeyed the order, should be sued for false imprisonment, at least questionable whether they could resort to any grounds, or cause for the imprisonment, so mentioned in the writs issued in violation of damages—no citizen should be so treated and be confined to prison without the cause of that loss being plainly and distinctly expressed in

he records of the country, or in the warrant of commitment, in order that the ministers of justice may stand justified, at least by their own showing, in any tribunal that may for any purpose have occasion to revise the transaction; and above all that the suffering party may have the means of testing the legality of the proceeding and of identifying the crime or the contempt for which he shall have suffered, so as to bar any further proceeding for the same offence—that it may be known whether he has committed a contempt of the court, or of a Judge in the one case a commitment for 24 hours would be legal, and in the other, the power to commit is limited to six hours, and a ministerial officer would not be justified, in detaining beyond that time for that offence whatever might be the language of the warrant.—In the cases particularly under consideration, it would have been more satisfactory, if the warrants of commitment if any existed or copies had been produced, and perhaps herein removed some of the difficulties of the investigation.—The language might have indicated whether the Judge considered himself acting as a court, or as a Judge out of court, by something more definite and satisfactory than the length of time for which the offence was committed.

In the absence however of any thing of that kind the inference is fair, that the Judge supposed himself to be acting as the court and exerting a power given him as such by law, and it is with some hesitation and great difference to the opinions of others, that I find myself compelled to differ with him and them, in that opinion.

The second section of the act of 1807 Digest 154-5 enacts that no court shall for any contempt against such court, fine more than twenty dollars, or imprison more than 24 hours, unless by verdict or a jury.

What amounts to contempt is left to be ascertained as it would be, if no limit had been fixed, and were this the only section on the subject, there might be some plausibility in supposing, that the Judge in his room was *quasi* the court, but he could not by any precedent within my knowledge, be authorised to render a definitive judgment any where, but in open court, even if a contempt to him in the recess of the court should be considered a constructive contempt of the court. Whatever it may be that amounts to a contempt of court, must be punished by the court in open court, at the time and place assigned by law for holding it. If it be committed in the face of the court thus sitting, the party may be convicted on the view of the court, and punishment immediately applied, but if the act be done out of court which is returned on as amounting to contempt, cannot be punished by the Judge out of court but the offending party must be brought in by attachment, and put on his interrogatories before conviction, and if he deny the facts, or explain the *quod*, he must be discharged.—This is called purging the contempt and is the trial required by law, to precede conviction, which should always precede punishment and if the party swears falsely, he may be punished for the perjury by indictment.

This doctrine is sanctioned by all the tribunals in England and America, before which it has come with very few exceptions, and although it may be conceded that contemptuous conduct, to the Judge in the recess, is a constructive contempt of the court, it will still remain to be proved that the Judge can in a summary and definitive manner, punish that contempt at any other place than in open court, after the offending party shall have been brought in and put on his interrogatories.

If as I have before remarked there was no other provision, but the one alluded to, and we were left to sustain the power ascertained by the necessity for its exercises, the arguments in favour of its existence would certainly be persuasive, and perhaps satisfactory, but the Legislature at the same time that they limited the power of the court, fixed also a limit to the power of the Judge—the 3d section of the same act is in these words.—“That no Judge or Justice of the peace, for any contempt offered to him, shall have power to order and inflict or cause to be inflicted, any fine exceeding six dollars nor imprisonment exceeding six hours. And if any court, Judge or Justice shall offend herein, the person or persons so offending, shall be deemed guilty of a misdemeanor in office, and shall moreover be subject to the action of the party injured for damages, to be assessed by a jury.—This section surely does recognise a power in the Judge to punish directly and definitively for a contempt, to him, and consequently supercedes the necessity of raising a constructive point, as a plausibly covers the ground on which the whole controversy must rest—the statute, draws a clear distinction, between the court and the Judge, and agrees each with the power considered proper for the purposes of protection.—Both are spoken of in plain language of life and properly descriptive.—The Legislature were competent to make one distinction, and having made it in plain language, they are to be held to have meant, what they have plainly said.—Having given the Judge power to punish a contempt to him, it is unnecessary to raise by implication, a power in the Judge, to punish also a contempt of the court.—It is no answer to this argument to say that six hours imprisonment is not sufficient to protect the Judge.—The Legislature have decided the question, and if they have decided the question wrong, the Judiciary cannot apply the remedy.—The Legislature have prescribed a boundary, and if that boundary is to be enlarged, the Legislature and not the Judiciary must make the enlargement.—These views are the result of the most deliberate and mature reflection, that I have

been able under the circumstances to bestow on the subject, and although they differ with men for whose opinion I have a high regard, I am unable to attain a different opinion and I am gratified to find, that my views have the sanction of high authority. The Supreme Court of the United States, discharged Burford on Habeas Corpus, because the warrant of commitment did not specify any good cause certain, supported by oath, &c. (see March 465)

The doctrine of contempts generally underwent a very able investigation in the various conflicts between the people of New York and Yates; and between Yates and the Chancellor Livingston reported in the 10th 6th and 10th volumes of Johnson. These great principles will be found to be sanctioned on examining the above cases, that conviction for contempt must precede punishment: that conviction may be founded on the view of the court where the fact occurs, in open court.

If out of court, the offending party must be brought in by attachment, and when brought in the trial must be by interrogation. The conduct of Judge Livingston it is clear, cannot abide the test of those principles. De Wolf was committed twice for a longer time than a Judge can imprison for a contempt to him. He was committed once without a mittimus and once on a mittimus that did not allege the cause. If really the conduct of De Wolf was a contempt of the court and not of the judge, then he was committed without trial or conviction in the mode pointed out by law. He might as well we know have purged the contempt if put on interrogatories: if his conduct was a contempt of the Judge and not of the court, then he was imprisoned longer than the law allowed for that offence and however the matter may be, in this respect he was imprisoned without a written warrant specifying the cause. Such proceedings are fraught with too much danger to the defined and protected liberty of the citizen to meet my approbation, and under a high sense of duty. I have explained in a brief and imperfect manner the grounds of the opinion I entertain.

It might seem from the foregoing statement that I consider Judge Livingston to deserve punishment as well as admonition, and lest that inference should arise I will state with the frankness due to the occasion, that the criminal intent essentially necessary to enter into the composition of all crime has not been brought home to the Judge by the proof—in the contrary many circumstances lead to the belief that the Judge had no wish to transcend his lawful authority, or to oppress De Wolf, he told the sheriff when he delivered the mittimus, that if De Wolf's friends would keep him away, &c. that he would not execute the order; and if, on the one hand, it must be admitted that he exercised some rigour towards De Wolf, it is equally true that he extended to him a great deal of leniency.—Yates, released himself and escaped the prison.—De Wolf continued to offend and was imprisoned. These facts, together with the whole complexion of the case, although they may not positively, certainly excuse Judge Livingston from intentional error.—I am therefore of opinion that no ground for an impeachment or removal by address, or censure is shown by the testimony, and of course, that there is no cause for exercising further the constitutional power of the House.

I have recorded in Judge Livingston, the charitable view I claim for myself. If I have erred in this opinion—an exemption from an intentional error—and if I know myself, I have sought the influence of principles, at the all times and for all men, I have in nothing been influenced by a consideration so small as to refer itself to the parties, or the occasion, on which it has been my duty to act.

Signed

WM. KELLY.